

**APPLICATION OF E-LITIGATION IN THE
SETTLEMENT OF DIVORCE CASES AT THE
SOREANG CLASS IB RELIGIOUS COURT IN 2023**



*Ace untable
Dokter Munggal
19/5/25*

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THESIS

Submitted to Ahwal Syakhshiyah Department Internasional Program
Faculty of Islamic Studies Universitas Islam Indonesia
Presented as Partial Fulfillment of The Requirements Of Obtaining A Bachelor
Degree Of Islamic Law

YOGYAKARTA

2025

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Supervisor:

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2025

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PENGESAHAN

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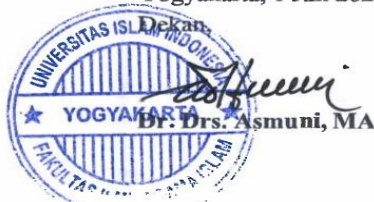
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Based on the appointment by the Dean of the Faculty of Islamic Studies, universitas Islam Indonesia, with letter number: 4/Dek/60/DAATI/FIAI/I/2025, on January 6, 2025 AD / Rajab 6, 1446 H, for our duties as supervisor of the thesis:

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After researching and making necessary improvements, we finally decided that your thesis above fulfills the requirements to be submitted to the Munaqasah Trial of the Faculty of Islamic Studies, Universitas Islam Indonesia.

Thus, hopefully it can be tested soon, and together with us, we will send 4 (four) copies of the thesis in question.

Wassalamu'alaikum Wr. Wb

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Yogyakarta, 14th Mei 2025

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Prof. Dr. Drs. Yurdani, M.Ag.

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“For my parents who always give their best prayers and all those who support my every step.”

MOTTO

لا يزال المرء عالماً ما طلب العلم
فإذا ظن أنه قد علم فقد جهل

“Seseorang disebut pintar selama ia terus belajar. Begitu ia merasa pintar, saat itulah dia bodoh”.

Abdullah ibn Mubarak (w. 797 M)

ARABIC LATIN TRANSLITERATION GUIDELINES

JOIN DECISION

MINISTER OF RELIGION AND MINISTER OF EDUCATION AND CULTURE OF THE REPUBLIC OF INDONESIA

Number: 158 of 1987

Number: 0543b//U/1987

Transliteration is the transfer of letters from one alphabet to another. Arabic – Latin transliteration here is the copying of Arabic letters with Latin letters and their devices.

I. Consonant

In the Arabic writing system, Arabic consonant phonemes are symbolized by letters. In this transliteration, some are symbolized by letters, and some are symbolized by signs.

The following is a list of the Arabic letters in question and their transliteration with Latin letters:

Table 0.1: Consonant Transliteration Table

Arabic letters	Name	Latin letters	Name
ا	alif	tidak dilambangkan	tidak dilambangkan
ب	ba	b	be
ت	ta	t	te
ث	ša	š	es (dengan titik di atas)
ج	jim	J	je
ح	ha	ḥ	ha (dengan titik di bawah)
خ	kha	kh	ka dan ha

د	dal	d	de
ذ	žal	ž	zet (dengan titik di atas)
ر	ra	r	er
ز	zai	z	zet
س	sin	s	es
ش	syin	sy	es dan ye
ص	ṣad	ṣ	es (dengan titik di bawah)
ض	ḍad	ḍ	de (dengan titik di bawah)
ط	ṭa	ṭ	te (dengan titik di bawah)
ظ	ẓa	ẓ	zet (dengan titik di bawah)
ع	‘ain	 ‘ ...	koma terbalik di atas
غ	gain	g	ge
ف	fa	f	ef
ق	qaf	q	ki
ك	kaf	k	ka
ل	lam	l	el
م	mim	m	Em
ن	nun	n	en
و	wau	w	we
ه	ha	h	ha
ء	hamzah	..’..	apostrof
ي	ya	y	ye

II. *Syaddah*

Syaddah or tasydid in the Arabic writing system is symbolized by a sign, syaddah or tasydid sign. In this transliteration, the syaddah sign is symbolized by a letter, which is the same letter as the letter marked with the syaddah sign.

Example:

ربنا - rabbanā

نزل - nazzala

البر - al-birr

الحج - al-hajju

III. *Ta' Marbūtah*

Ta marbutah which is alive or which receives fathah, kasroh and dammah, is transliterated as /t/. Ta marbutah which is dead or has a sukun character, is transliterated as /h/. If in a word whose final word ta marbutah is followed by a word that uses the article al, and the reading of the two words is separated, the ta marbutah is transliterated with ha (h).

Example:

روضة الاطفال - raudatul al-atfal
- raudatu al-atfal
المدينة المنورة - al-Madīnah al-Munawwarah
- al-Madīnatul Munawwarah

IV. Short Vowel

Harakat	Name	Latin letter	Name
ـَ	Fathah	a	a
ـِ	Kasrah	i	i
ـُ	Dammah	u	u

V. Long Vowel

Harkat and Letter	Name	Symbol	Name
ا...ى	Fathah dan alif atau ya	Ā	a dan garis di atas
ى...	Kasroh dan ya	Ī	i dan garis di atas
و...و	Dammah dan waw	Ū	u dan garis di atas

VI. Double Vowel

Harakat and Letter	Name	Letter combinations	Name
ى /	Fathah dan ya	ai	a dan i
و.... /	Fathah dan wau	au	a dan u

VII. Hamzah

It is stated at the beginning of the Arabic-Latin Transliteration List that hamzah is transliterated with an apostrophe. However, this is only located in the middle and end of words. When the hamzah is located at the beginning of a word, it is not symbolized, because in Arabic writing it is alif.

Example:

- 1) Hamzah at the beginning:

امرت - umirtu

اكل - akala

- 2) Hamzah in the middle:

تأخذون - takhuḏūna

تأكلون – takulūna

3) Hamzah at the end:

شيء - syaiun

النوء - an-nauu

VIII. Kata Sandang *Alif + Lam*

The article in the Arabic writing system is symbolized by a letter, namely ال. However, in transliteration, the article is distinguished between the article followed by shamsiah letters and the article followed by qomariah letters.

The article followed by shamsiah letters is transliterated according to its sound, i.e. the letter /I/ is replaced with the same letter as the letter that directly follows the article. The article followed by qamariah letters is transliterated according to the rules outlined in front and according to its sound. Whether followed by shamsiah or qamariah letters, the article is written separately from the word that follows and is connected with a conjunction.

Example:

الرجل	- ar-rajulu
الشمس	- asy-syamsu
البدیع	- al-badi'u
السيدة	- as-sayyidatu
القلم	- al-qalamu

IX. Writing words in sentences

Basically, each word, whether fi'il, isim or letter is written separately. For certain words whose writing with Arabic letters is commonly coupled with other words because there are letters or harakat that are omitted. So in this transliteration the writing of the word can be done in two ways, it can be separated per word and can also be combined.

Example:

- و ان الله لهو خير الرازقين - Wa innallāha lahuwa khair ar-rāziqīn.
 - Wa innallāha lahuwa khairur-rāziqīn.

- فاوفوا الكيل والميزان - Fa aufū al-kaila wa al-mīzāna.
 - Fa aufū al-kaila wal-mīzāna.

- بسم الله مجرّها و مرسها - Bismillāhi majrehā wā mursāhā.

ABSTRACT

APPLICATION OF E-LITIGATION IN THE SETTLEMENT OF DIVORCE CASES AT THE SOREANG CLASS IB RELIGIOUS COURT IN 2023

Muhammad Yazid Asshidqi

The Supreme Court has issued Supreme Court Regulation No. 03/2018 on Electronic Court Case Administration which is the basis for the implementation of the e-court system. One of the judicial institutions that has implemented e-court is the Soreang Class IB Religious Court. Recorded in 2023, the utilization of e-court in Soreang Religious Court has been quite a lot. A total of 3532 cases out of 7916 incoming cases were filed through e-court. This research uses the interview method to find out how the litigation procedure in divorce cases through the e-litigation mechanism and the effectiveness of its application in resolving divorce cases at the Soreang Religious Court in 2023. The results showed that the procedure for litigating through e-litigation is generally not much different from the manual method, the main difference being the use of electronic media. People who want to use e-litigation will register their case online through the e-court web. The next stage is payment and summons made through the e-court web. The e-litigation process is conducted through the e-court web and e-mail, but still requires face-to-face meetings during the first hearing, proof, and reading of the decision. The implementation of e-Court so far has been effective when viewed from the law, law enforcement officials, facilities and infrastructure. However, there are still obstacles from the traditional legal culture and people's ability to use online media. E-Court can be categorized as a hajjiyat need and provides protection to Hifdz Annafs and Hifdz Al-Mal.

Keywords *E-Litigation, Soreang Religious Court, E-Court*

ABSTRAK

PENERAPAN E-LITIGASI DALAM PENYELESAIAN KASUS PERKARA PERCERAIAN DI PENGADILAN AGAMA SOREANG KELAS IB TAHUN 2023

Muhammad Yazid Asshidqi

Mahkamah Agung telah mengeluarkan Perma No. 03 Tahun 2018 terkait Administrasi Perkara di Pengadilan Secara Elektronik yang menjadi diberlakukannya sistem e-court. Salah satu lembaga peradilan yang telah menerapkan e-court yaitu Pengadilan Agama Soreang Kelas IB. Tercatat pada tahun 2023, pemanfaatan e-court di Pengadilan Agama Soreang sudah cukup banyak. Sebanyak 3532 perkara dari 7916 perkara yang masuk diajukan melalui e-court. Penelitian ini menggunakan metode wawancara untuk mengetahui bagaimana prosedur berperkara dalam perkara perceraian melalui mekanisme e-litigasi dan efektivitas penerapannya dalam menyelesaikan perkara perceraian di Pengadilan Agama Soreang pada tahun 2023. Hasil penelitian menunjukkan bahwa prosedur berperkara melalui e-litigasi secara umum tidak jauh berbeda dengan cara manual, perbedaan utamanya adalah penggunaan media elektronik. Masyarakat yang ingin menggunakan e-litigasi akan mendaftarkan perkaranya secara online melalui web e-court. Tahap selanjutnya adalah pembayaran dan pemanggilan yang dilakukan melalui web e-court. Proses e-litigasi dilakukan melalui web e-court dan e-mail, namun tetap memerlukan tatap muka pada saat sidang pertama, pembuktian, dan pembacaan putusan. Pelaksanaan e-Court sejauh ini sudah efektif jika dilihat dari undang-undang, aparat penegak hukum, sarana dan prasarana. Namun, masih terdapat kendala dari budaya hukum yang masih tradisional dan kemampuan masyarakat dalam menggunakan media online. E-Court dapat dikategorikan sebagai kebutuhan hajjiyat dan memberikan perlindungan terhadap Hifdz Annafs dan Hifdz Al-Mal.

Kata kunci: *E-Litigasi, Pengadilan Agama Soreang, E-court*

PREFACE

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

إِنَّ الْحَمْدَ لِلَّهِ نَحْمَدُهُ وَنَسْتَغْفِرُهُ، وَنَعُوذُ بِاللَّهِ مِنْ شُرُورِ أَنْفُسِنَا، وَمِنْ سَيِّئَاتِ أَعْمَالِنَا، مَنْ يَهْدِهِ اللَّهُ
فَلَا مُضِلَّ لَهُ، وَمَنْ يَضِلَّ فَلَا هَادِيَ لَهُ، أَشْهَدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَحْدَهُ لَا شَرِيكَ لَهُ، وَأَشْهَدُ أَنَّ مُحَمَّدًا عَبْدُهُ
وَرَسُولُهُ. اللَّهُمَّ صَلِّ وَسَلِّمْ وَبَارِكْ عَلَى سَيِّدِنَا مُحَمَّدٍ وَعَلَى آلِهِ وَصَحْبِهِ أَجْمَعِينَ. أَمَّا بَعْدُ

Praise and gratitude be to the presence of Allah Swt. for all His blessings and guidance, allowing the completion of this thesis with His mercy. May blessings and peace be abundantly bestowed upon the Prophet, the exemplary human being for all his followers, the Messenger of Allah, Prophet Muhammad Saw. who guided his people from the age of ignorance to the Islamic era.

The process of preparing and completing this thesis entitled, “Application of E-Litigation in the Settlement of Divorce Cases at The Soreang Class IB Religious Court in 2023” cannot be separated from the support, guidance, advice, and supervision of various parties involved until this thesis can be completed properly. Therefore, my deepest gratitude goes to the honorable ones:

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Author

Muhammad Yazid Asshidqi

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CHAPTER I

INTRODUCTION

A. Background

The Supreme Court is a state institution that functions to carry out judicial power. The judicial power in question is the power to administer justice to uphold law and justice based on Pancasila and the 1945 Constitution of the Republic of Indonesia¹. Article 24 paragraphs (1) and (2) of the 1945 Constitution states that, “judicial power is an independent power in order to administer justice to uphold law and justice”².

The Supreme Court is the apex of judicial power covering the general judiciary, religious judiciary, state administrative judiciary, and military judiciary³. Law No. 48/2009 on Judicial Power Chapter II Article 18 explains that, “Judicial power is exercised by a Supreme Court and the judicial bodies under it in the general judicial system, religious judicial system, military judicial system, state administrative judicial system, and by a Constitutional Court”⁴. The Supreme Court has the authority in its

¹ Budianto Eldist Daud Tamin, “TINJAUAN YURIDIS TERHADAP KEDUDUKAN PERATURAN MAHKAMAH AGUNG (PERMA) DALAM HIERARKI PERATURAN PERUNDANG-UNDANGAN DI INDONESIA,” *LEX ADMINISTRATUM* 6, no. 3 (January 30, 2019): 112–21, <https://ejournal.unsrat.ac.id/v3/index.php/administratum/article/view/22740>.

² “UNDANG-UNDANG DASAR NEGARA REPUBLIK INDONESIA 1945,” n.d.

³ Jimly Asshiddiqie, *Perkembangan Dan Konsolidasi Lembaga Negara Pasca Reformasi*, ed. Rofiq, Budi, and Luthfi, 2nd ed. (Jakarta: Sekretariat Jenderal dan Kepaniteraan Mahkamah Konstitusi RI, 2006).

⁴ “Undang-Undang No. 48 Tahun 2009” (n.d.).

implementation as the highest institution in the judiciary in Indonesia to uphold the judicial power⁵.

The Supreme Court as the highest supervisor of the administration of justice is obliged to ensure that the administration of justice in all judicial circles must run in accordance with applicable laws and regulations as the highest supervisor of the administration of justice⁶. Article 39 paragraph (1) of Law No. 48 of 2009 states that, “The highest supervision over the administration of justice in all judicial bodies under the Supreme Court in exercising judicial power is conducted by the Supreme Court”⁷. This supervision aims to ensure that the judiciary is administered with due care and fairness. The guidelines used in conducting supervision are the principles of simple, fast and low-cost justice, without reducing the freedom of Judges in examining and deciding cases⁸.

The principle of simple, speedy and low-cost justice is one of the principles that forms the basis of the trial process in courts in Indonesia. This principle is expressly mentioned in Article 2 paragraph (4) of Law No. 48 of 2009 on Judicial Power, which states that, “justice is conducted simply, quickly and at low cost”⁹. In general, this principle aims to ensure that the examination of cases in the judicial process can be carried out within

⁵ Rheina Aini Safa’at, Graciella Azzura Putri Ananda, and Rasji, “Kedudukan dan Kewenangan Mahkamah Agung dalam Menyelenggarakan Kekuasaan Kehakiman di Indonesia,” *Jurnal Kewarganegaraan* 8, no. 1 (May 3, 2024): 303–9, <https://doi.org/10.31316/JK.V8I1.6150>.

⁶ Ibid.

⁷ Undang-Undang No. 48 Tahun 2009.

⁸ “Undang-Undang No. 14 Tahun 1970” (n.d.).

⁹ “Undang-Undang No. 48 Tahun 2009” (n.d.).

a fast period of time, without going through a convoluted process, and at a low cost or can be borne by the legal subject. However, in implementing this principle, the court must still ensure the accuracy in case settlement efforts. So that the examination and settlement in court will produce a decision that still considers the truth and justice in the trial¹⁰.

The conventional case settlement process through litigation often faces various problems. The slow process of case settlement, high costs, and the accumulation of cases in the Supreme Court of the Republic of Indonesia seem to be problems that are of sufficient concern to the highest judicial institution. The Supreme Court in this case continues to innovate and find solutions so that the process of litigating in court can be carried out in an effective and efficient manner. The Supreme Court as the highest judicial institution in Indonesia has the authority to realize simple, fast and low-cost justice.

The Supreme Court through Supreme Court Regulation (PERMA) Number 03 of 2018 concerning Case Administration in Courts Electronically has introduced a new court system called electronic court (E-Court). This system is a court instrument as a form of service to the community in terms of case registration, payment, delivery of trial documents (replication, duplicates, conclusions, answers), and summons,

¹⁰ Ni Putu Riyani Kartika Sari, "EKSISTENSI E-COURT UNTUK MEWUJUDKAN ASAS SEDERHANA, CEPAT, DAN BIAYA RINGAN DALAM SISTEM PERADILAN PERDATA DI INDONESIA," *Jurnal Yustitia* 13, no. 1 (October 1, 2019): 80–100, <https://doi.org/10.62279/YUSTITIA.V13I1.275>.

all of which are carried out online¹¹. This e-court system innovation is a commitment of the Supreme Court in realizing justice reform in Indonesia. The synergy presented through the role of information technology with procedural law is expected to fulfill the principles of simple, fast and low-cost justice.

The mechanism of litigation through electronic media when compared to developed countries such as Singapore, Indonesia is still relatively far behind in utilizing technology to litigate in court. The existence of e-court in Indonesia has only been implemented through Perma No. 3 Year 2018, in contrast to Singapore which has long implemented electronic court for anyone who has SingPass ID for individuals or CorpPass ID for legal entities. However, the Supreme Court continues to develop the system by adding other rules related to the online-based litigation system. Based on Supreme Court Regulation No. 1 of 2019 on Electronic Case Administration and Court Proceedings, the court has the legal basis to conduct electronic trial services. This regulation improves Perma No.3 of 2018 which is only limited to serving case administration electronically¹².

The e-court regulation was further refined through Supreme Court Regulation Number 7 Year 2022 which encourages the implementation of electronic trials more broadly and under any circumstances¹³. For

¹¹ “Peraturan Mahkamah Agung No. 3 Tahun 2018,” Pub. L. No. 3 (2018).

¹² Zikra Hanum Nafri, “IMPLEMENTASI PERMA NO 1/2019 TENTANG E-LITIGASI DALAM MEWUJUDKAN ASAS PERADILAN SEDERHANA, CEPAT, DAN BIAYA RINGAN DI PENGADILAN AGAMA PADANG KELAS I A,” *JOURNAL EQUITABLE* 9, no. 2 (June 30, 2024): 1–15, <https://doi.org/10.37859/JEQ.V9I2.6786>.

¹³ “Peraturan Mahkamah Agung No. 7 Tahun 2022,” Pub. L. No. No. 7 (2022).

Defendants who “do not want” to conduct electronic trials, the court does not force them to participate in electronic trials and continue to follow manual procedures without losing the right to defend their interests.

One of the judicial institutions under the Supreme Court is the religious courts. Religious Courts in Indonesia have a central position as Islamic law enforcement agencies in providing a forum for resolving civil and criminal cases rooted in sharia principles. Religious Courts adjudicate certain cases or groups of people with authority that includes two things, namely relative authority and absolute authority. Relative authority is the power of courts of the same type and level so that in accordance with the provisions of Article 4 paragraph 1 of Law Number 50 of 2009, each Religious Court has a certain jurisdiction that covers one city or one district. Absolute authority is the authority of the court over the type of case, type of court, or level of court. The provisions of the authority of the Religious Courts are regulated in Article 49 of Law Number 50 of 2009 concerning Religious Courts¹⁴.

Soreang Religious Court Class IB is a religious court for the Bandung regency. This court is domiciled in Soreang whose jurisdiction covers the Bandung Regency area of West Java Province as the relative competence of the Soreang Religious Court. This court was established

¹⁴ Azizah Yasmine, Huriyyah Aqilah Ramadhoifah, and Aura Rista Afifah, “PERADILAN AGAMA SEBAGAI LEMBAGA PENEGAK HUKUM ISLAM DI INDONESIA,” *Sriwijaya Journal of Private Law* 1, no. 1 (April 2024): 83–90, <https://journal.fh.unsri.ac.id/index.php/SJPL/article/view/3373/767>.

based on Presidential Decree Number 15 of 2016 concerning the Establishment of Religious Courts.

The Soreang Religious Court won the top 10 award as the court with the most e-court utilization for the period of 2023. In August 2023 alone, e-court case registration at the Soreang Religious Court increased. Of the 833 cases received in August, 402 cases were registered electronically through the e-Court application. Therefore, 48% or half of the cases were registered electronically. Ahmad Mujahidin as Registrar of PA Soreang said that there was an increase in the number of cases registered electronically by 4% in August so that the total cases were 48%¹⁵. There were 7,916 divorce cases filed at the Soreang Religious Court in 2023. 4384 were filed manually, while the remaining 3532 were registered through e-court so that the percentage of e-court users was 43%¹⁶. Based on this background, the author is interested in conducting research with the title, “Application of E-Litigation in Settlement of Divorce Cases at the Soreang Class IB Religious Court in 2023”.

B. Research Focus

1. What is the litigation procedure in divorce cases through the e-litigation mechanism at the Soreang Religious Court?

¹⁵ “Statistik Perkara Bulan Agustus 2023: Pendaftaran Perkara Secara...,” accessed December 13, 2024, <https://pa-soreang.go.id/statistik-perkara-bulan-agustus-2023-pendaftaran-perkara-secara-elektronik-e-court-alami-peningkatan/>.

¹⁶ Interview with Ida Fadilah Fajariah, S.T., S.H. as the Deputy Registrar of Law at the Soreang Religious Court, February 10, 2025 at 3:00 p.m.

2. How is the effectiveness of the application of e-litigation in resolving divorce cases at the Soreang Religious Court in 2023?

C. Research Objective and Benefit

1. Research Objective

- a. To find out the procedure for resolving divorce cases at the Soreang Class IB Religious Court through the e-litigation mechanism.
- b. To analyze the effectiveness of the application of e-litigation in the Soreang Religious Court in resolving divorce cases in 2023.

2. Research Benefit

a. Theoretical Benefits

This research is theoretically expected to be useful for many parties, especially for the author himself. The author hopes that this research can add insight and knowledge related to the application of e-litigation in the Soreang Religious Court. This research is also expected to contribute to the development of science in the field of sharia and procedural law. Another benefit of this research is that it can be one of the reference materials for further research related to the title of this research.

b. Practical Benefits

The practical benefits of this research are expected to be useful for related agencies and justice-seeking communities. The benefits for related agencies, in this case the Soreang Religious Court, are expected to be a contribution of ideas that can be useful

as evaluation and input material in order to increase the effectiveness of services in case settlement, especially divorce cases through e-litigation. For the justice-seeking community, it is hoped that this research can become a reference material for the wider community to find out the procedures for litigating through e-litigation and find out its effectiveness, so that the community can better utilize e-litigation to resolve their cases.

D. Thesis Outline

An in-depth systematic discussion is needed to facilitate research writing. The compiler will divide the discussion in this study into five chapters and several related sub-chapters. The following is the systematics in this research:

CHAPTER I. INTRODUCTION: includes the background of the problem, research focus, research objectives and benefits, and research systematics.

CHAPTER II. LITERATURE REVIEW AND THEORITICAL FRAMEWORK: contains a description of previous studies and theoretical frameworks that are relevant and related to the theme of the thesis.

CHAPTER III. RESEARCH METHOD: contains descriptions of the type of research and approach, place and location of research, research informants, method of determinating informants, method of collecting data, data validity, and method of data analysis.

CHAPTER IV. RESULT AND DISCUSSION: In the results section, there are 3 descriptions of (1) Profile of Soreang Religious Court Class IB; (2) E-

Court in Religious Court; (3) Divorce Cases in PA Soreang in 2023. As for the discussion section, there are 2 explanations of (1) Application of E-Litigasi in Soreang Religious Court; (2) Effectiveness of E-Court in PA Soreang in Divorce Cases in 2023; and (3) Maqashid al-Syariah Review of the Application of E-Litigation in the Religious Courts.

CHAPTER V. CONCLUSION The final chapter contains conclusions, suggestions or recommendations. The conclusions summarize all the research findings in relation to the research problem. Conclusions are based on the results of data analysis and interpretation described in the previous chapters. Suggestions are formulated based on the results of the research, containing a description of what steps need to be taken by parties related to the results of the research concerned.

CHAPTER II

LITERATURE REVIEW AND THEORITICAL FRAMEWORK

A. Literature Review

The first research that the author reviewed was a thesis written by Fathurrahman Putra Nugraha with the title “The Effectiveness of E-Court Implementation in Settling Inheritance Dispute Cases at the Tangerang 1A Religious Court (Analysis of PERMA No. 2022 Perspective of Mashlahah Mursalah)”. This thesis was written to find out the procedure for resolving inheritance dispute cases by e-court, the mashlahah mursalah review of the procedure, and the effectiveness of its implementation in the Tangerang Religious Court. Based on the research conducted, the result shows that the e-court mechanism based on Perma No.7 of 2022 makes the process of inheritance dispute settlement more optimal, effective, and efficient. The process of settling inheritance disputes with the e-court system is in accordance with the concept of mashlah mursalah. Finally, the settlement of inheritance disputes through the e-court mechanism at the Tangerang Religious Court can be considered effective for registered users¹⁷. Although in general this research examines the application of e-courts in the Religious Courts, the difference is very obvious, namely in the settlement of cases that

¹⁷ Fathurramadhan Putra Nugraha, “Efektivitas Pelaksanaan E-Court Dalam Penyelesaian Perkara Sengketa Waris Di Pengadilan Agama Tangerang 1A (Analisis PERMA NO. 7 Tahun 2022 Perspektif Mashlahah Mursalah),” 2024, <https://dspace.uui.ac.id/handle/123456789/51219>.

are more specific to the settlement of inheritance disputes, while the research to be conducted is more specific to the settlement of divorce cases. In addition, the research site chosen is also different, namely at the Soreang Religious Court.

Other relevant research is a thesis prepared by Rahmatullah Alaik Marzuki with the title, “E-Litigation at the Blitar Religious Court Reviewed from the Contante Justitie Principle” and a thesis prepared by Zainul Haqqi on “Implementation of E-Litigation in the Judicial Process of PA Siak Sri Indrapura and its Conformity with the Principles of the Trilogy of Justice. These two studies have similarities in the analysis carried out in the implementation of e-litigation, namely the review of the Contante Justitie principle or the judicial trilogy principle. Marzuki through his research tries to explore the views of e-litigation users in the Religious Court and analyze the e-litigation mechanism with a review of the Contante Justitie principle. The results of his research show that the application of e-litigation in the Blitar Religious Court has been carried out as much as possible, it's just that there are still many obstacles such as the lack of readiness of human resources in using electronic media¹⁸. In contrast to Haqqi who did not include the views of e-litigation users, but based his research results on interview information to judges and court officials. This has implications for its compatibility with the principle of Contante Justitie or the principle

¹⁸ Rahmatullah Alaik Marzuki, “E-Litigasi Di Pengadilan Agama Blitar Ditinjau Dari Asas Contante Justitie,” May 7, 2024.

of the judicial trilogy. The application of e-litigation in Blitar Religious Court when viewed from the principles of simple and fast, both are relatively unfulfilled due to the lack of competence of the litigants in operating electronic media. Nevertheless, the application of e-litigation in Blitar Religious Court is considered to fulfill the principle of low cost because case costs can be cut quite a lot with the e-litigation mechanism. Research from Zainul Haqqi shows the suitability of the application of e-litigation in PA Siak Sri Indrapura with the principles of the trilogy of justice. Both studies focused on the application of e-court in Blitar Religious Court and Siak Sri Indrapura Religious Court in terms of the Contante Justitie principle or the principles of the judicial trilogy¹⁹. While the research that researchers will conduct at the Soreang Religious Court aims to find out the procedures and effectiveness of litigating in divorce cases through the e-court mechanism.

There is another study related to “The Effectiveness of E-Litigation on the Settlement of Sharia Economic Disputes at the Madiun City Religious Court” written by Wandia Putri Supardian. In her thesis, Supardian wrote that with regard to the implementation of e-litigation there are at least two conflicting opinions, namely Sharia Financial Institutions that are very supportive and ordinary people who reject this application because it is considered complicated. The implementation of e-court is an

¹⁹ Zainul Haqqi, “Implementasi E-Litigasi Pada Proses Peradilan Pa Siak Sri Indrapura Dan Kesesuaiannya Dengan Asas Trilogi Peradilan,” September 28, 2021, <https://dspace.uui.ac.id/handle/123456789/36210>.

implementation of Law No. 48/2009 Article 2 Paragraph 4 on the principles of simplicity, speed, and low cost in the Religious Courts. The results showed that the role of law enforcement in implementing e-litigation for the settlement of sharia economic disputes at the Madiun City Religious Court was effective. Public awareness in implementing e-litigation in the Madiun City Religious Court also appears to have been built so that its implementation becomes effective²⁰. This research is relevant to the research to be conducted but the focus and location selection are very different. In this study, it is more specific to the settlement of sharia economic disputes in the Madiun City Religious Court while the research to be conducted is related to the settlement of divorce cases at the Soreang Religious Court.

As far as the author's search goes, there is no previous research that examines the application of e-court in the settlement of divorce cases at the Soreang Religious Court. In general, previous research only presents data or information related to the application of e-court in all cases in the Religious Court or specific cases such as inheritance disputes and sharia economic law disputes.

“Efektivitas Penerapan Sistem E-Court Pengadilan Agama dalam Perkara Perceraian” is another article by Akhmad Shodikin, Asep Saepullah, and Imas Indah Lestari which discusses the implementation of e-court. This

²⁰ Wandia Putri Supardian, “EFEKTIVITAS PENERAPAN E-LITIGASI TERHADAP PENYELESAIAN SENGKETA EKONOMI SYARIAH DI PENGADILAN AGAMA KOTA MADIUN - Electronic Theses of IAIN Ponorogo,” 2024, <https://etheses.iainponorogo.ac.id/28415/>.

research aims to find out how the implementation of e-court system in Cirebon City Religious Court and the impact of its implementation. Shodikin wrote that the e-court system brings smoothness, convenience and success to its users in divorce cases in Cirebon Religious Court²¹

Other studies such as the thesis written by Muhammad Ali Nurfuat with the title “Application of E-Court in the Implementation of Online Trial in Pati Religious Court, Central Java” and the thesis on “E-Litigation in Bantul Religious Court (Review of Maqashid Syariah Perspective)” written by Ardiansyah Pontoh have not specifically discussed the application of e-court in divorce cases. Nurfuat in his research tries to explore the implementation of e-court in Pati Religious Court by analyzing the advantages and disadvantages of e-court system as well as the factors that influence the implementation of e-court. The advantages of e-courts found by Nurfuat include time and cost efficiency, better accessibility, better archiving and monitoring, and increased efficiency of the justice system. The disadvantages are dependence on technology, data security and privacy threats, public acceptance and trust, limited access, lack of direct human interaction. There are several things that affect e-courts such as technological advancement, ICT infrastructure, legal regulation, government policy, public awareness and acceptance, and privacy

²¹ Akhmad Shodikin, Asep Saepullah, and Imas Indah Lestari, “Efektivitas Penerapan Sistem E-Court Pengadilan Agama Dalam Perkara Perceraian,” *Jurnal Mediasas: Media Ilmu Syari’ah Dan Ahwal Al-Syakhsiyyah* 4, no. 2 (2021): 135–48, <https://journal.staisar.ac.id/index.php/mediasas/article/view/35>.

security²². While the thesis prepared by Ardiansyah Pontoh specifically discusses the maqashid sharia perspective on the e-litigation system at the Bantul Religious Court. Based on the maqasid sharia perspective, e-litigation is included in the form of maintenance of the soul (hifdz al-Nafs) and maintenance of property (hifdz al-Mal), while for the level of need and priority scale it is included in the Hajjiyat category or secondary needs²³.

Researchers include several journals that are relevant to the topic of research to be conducted. The first journal entitled “Implementation of Perma No. 1/2019 concerning E-Litigation in Realizing the Principles of Simple, Fast and Low-Cost Justice at the Padang Class IA Religious Court” was written by Zikra Hanum Nafri. This journal analyzes the implementation of e-litigation in realizing the principles of simple, fast and low-cost justice in the Padang Religious Court. The implementation of e-Litigation in PA Padang has been implemented but has not been effective because there are obstacles in the implementation of e-litigation. Factors affecting the implementation of e-litigation include the lack of socialization of perma number 1 of 2019 to the people of Padang City and the lack of knowledge of the people of Padang City about electronic litigation. Other things such as not having an email, not having electronic media that supports the implementation of e-litigation, not even having a personal account are also factors constraining the implementation of e-litigation in PA Padang.

²² Muhammad Ali Nurfuat, “Penerapan E- Court Dalam Pelaksanaan Sidang Online Di Pengadilan Agama Pati Jawa Tengah,” 2023, <https://dspace.uui.ac.id/handle/123456789/46368>.

²³ Ardiansyah Pontoh, “E-Litigasi Di Pengadilan Agama Bantul (Telaah Perspektif Maqashid Syariah),” June 9, 2021, <https://dspace.uui.ac.id/handle/123456789/31957>.

Efforts made by PA Padang to overcome these obstacles are by conducting face-to-face socialization to the community and presenting e-court officers to help the community litigate electronically²⁴

The second journal was written by Adella Rofi'ah and Nawa Angkasa with the title “Implementation of E-Court and Its Impact on Justice Seekers in the Legal Process at the Religious Court”. In general, through this research, the author wants to know the implementation of e-court in Metro class IA Religious Court in the legal process and its impact on justice seekers in the legal process. Rofi'ah mentioned that the most important essence in electronic case settlement is that the court can facilitate the legal process so that it can be carried out effectively and efficiently. The implementation of e-court in Metro Religious Court is in accordance with PERMA No. 1 of 2019 and PERMA No. 2022. But in this study, it is mentioned that in fact some stages of e-litigation are still carried out manually so that the implementation has not been maximized²⁵Rheina.

The quality of public services in e-court implementation becomes one of the points to see the effectiveness of its implementation. The journal entitled “Quality of Public Services in E-Court and E-Litigation in Judicial Institutions in the Supreme Court of the Republic of Indonesia” written by Danny Agus Setiyanto and his friends has discussed the quality of e-court

²⁴ Nafri, “IMPLEMENTASI PERMA NO 1/2019 TENTANG E-LITIGASI DALAM MEWUJUDKAN ASAS PERADILAN SEDERHANA, CEPAT, DAN BIAYA RINGAN DI PENGADILAN AGAMA PADANG KELAS I A.”

²⁵ Adella Rofi'ah and Nawa Angkasa, “Implementation of E-Court and Its Impact on Justice Seekers in the Legal Process at the Religious Court,” *Istinbath : Jurnal Hukum* 21, no. 01 (August 7, 2024): 122–38, <https://doi.org/10.32332/ISTINBATH.V21I01.9668>.

services seen using Mary Gottwald's theory²⁶. The quality of public services according to Gottwald can be known through (1) efficiency and economic savings; (2) effectiveness; (3) accessibility; (4) public acceptance; (5) fairness; (6) relevance. The research results in this journal show that the quality of public services in the implementation of e-courts as a mirror of the relationship between government services and society. So, through Gottwald's theory, it is explained in detail how services have been carried out by the government to the community.

Moch Alfianto Diansyah and Anajeng Esri Edhi Mahanani also wrote a journal about the implementation of e-court in realizing the principles of the judicial trilogy. In his journal entitled, “Implementasi E-Court dalam penyelesaian perkara perdata untuk mewujudkan asas peradilan sederhana, cepat, dan biaya ringan di pengadilan negeri sidoarjo”, Diansyah tried to analyze the obstacles and solutions in the implementation of e-court in the Sidoarjo district court. The analysis was conducted to determine its application in realizing a simple, fast and cheap court. The results show that the implementation of e-court in Sidoarjo District Court has realized the principles of the judicial trilogy. There are some obstacles faced in its implementation but have been overcome by the Sidoarjo District Court well²⁷.

²⁶ Danny Agus Setiyanto et al., “Quality of Public Services in E-Court and E-Litigation in Judicial Institutions in the Supreme Court of the Republic of Indonesia,” *Journal of Survey in Fisheries Sciences* 10, no. 3S (March 8, 2023): 287–96, <https://doi.org/10.17762/SFS.V10I3S.32>.

²⁷ Moch Alfianto Diansah, Anajeng Esri, and Edhi Mahanani, “IMPLEMENTASI E-COURT DALAM PENYELESAIAN PERKARA PERDATA UNTUK MEWUJUDKAN ASAS PERADILAN SEDERHANA, CEPAT, DAN BIAYA RINGAN DI PENGADILAN NEGERI

Another journal is “The Implementation of E-Court in Administrative Court to Develop Access to Justice in Indonesia” written by Aju Putrijanti and Kadek Cahya Susila Wibawa. Putrijanti attempted to find out the role of PTUN in e-court and to recognize the development of access to justice in the perspective of PTUN²⁸. The implementation of e-court in PTUN in this study was written that it could not be fully implemented electronically. This is because there are two processes that cannot be done using technology.

Enya Dryland and Hisar Siregar wrote a journal entitled “The Impact of Technology Development on Legal Practice: Challenges for Advocates in the E-Court Era”. Dryland through this article tries to find out the impact of technological development for legal practitioners or advocates. E-Court, which is an innovation in the judicial system in Indonesia, according to the author, provides many benefits and challenges. The most impacted party in this technological development is definitely the advocate. Several obstacles such as limited digital literacy, difficulty in adopting new technology, concerns related to data security and client privacy, and limited infrastructure are obstacles that affect the quality of defense and legal

SIDOARJO,” *Bureaucracy Journal : Indonesia Journal of Law and Social-Political Governance* 3, no. 2 (May 5, 2023): 2047–69, <https://doi.org/10.53363/BUREAU.V3I2.306>.

²⁸ Aju Putrijanti, Kadek Cahya, and Susila Wibawa, “The Implementation of E-Court in Administrative Court to Develop Access to Justice in Indonesia,” *Journal of Environmental Treatment Techniques* 2021 9, no. 1: 105–9, accessed December 30, 2024, [https://doi.org/10.47277/JETT/9\(1\)109](https://doi.org/10.47277/JETT/9(1)109).

assistance. Dryland revealed the importance of strategic steps taken so that advocates can quickly adapt to technological developments²⁹.

“Analisis Ketidakefektifan Pelaksanaan E-court dalam Sistem Beracara di Pengadilan Negeri Mungkid Kelas IB” is the next journal written by Sholihul Hakim and friends that discusses e-court. The result of the research in this journal is that the implementation of e-court in Mungkid District Court Class IB is considered quite qualified in providing services to the community³⁰ The obstacles found are that the parties are still required to bring hardfile files even though they have uploaded documents on the e-Court. A journal written by Harmina Arifin, and friends who discussed “Efektivitas Penerapan e-Court Perkara Perceraian di Pengadilan Agama Pare-Pare” Arifin assessed that electronic lawyering in the Pare-Pare Religious Court in 2022 was very effective³¹.

The last article is a journal prepared by Ummi Maskanah with the title “Challenges in Reforming the Justice System Through Technological Developments: E-Court and E-Litigation as a means towards modern justice in Indonesia”. In this journal, the Supreme Court is mentioned to have utilized technological developments as a solution to implement the principles of the trilogy of justice. Through Perma No. 3 of 2018 Jo. Perma

²⁹ Enya Dryland and Hisar Siregar, “The Impact of Technology Developments on Legal Practice: Challenges for Advocates in the E-Court Era,” *Golden Ratio of Data in Summary* 5, no. 1 (December 16, 2025): 15–22, <https://doi.org/10.52970/GRDIS.V5I1.810>.

³⁰ Web Jurnal et al., “Analisis Ketidakefektifan Pelaksanaan E-Court Dalam Sistem Beracara Di Pengadilan Negeri Mungkid Kelas IB,” *Indonesian Research Journal on Education* 4, no. 3 (July 9, 2024): 665–671–665 – 671, <https://doi.org/10.31004/IRJE.V4I3.831>.

³¹ Harmina Arifin et al., “Efektivitas Penerapan E-Court Perkara Perceraian Di Pengadilan Agama Parepare,” *UNES Law Review* 6, no. 3 (March 29, 2024): 8490–8502, <https://doi.org/10.31933/UNESREV.V6I3.1726>.

No.1 Year 2020, the Supreme Court in collaboration with related parties issued a new innovation called e-court and e-litigation. This step is considered an effort by the Supreme Court of the Republic of Indonesia in creating a judiciary that is in accordance with the principles of the judicial trilogy. However, in this study it is mentioned that in practice there are still obstacles that need to be addressed immediately from the facilities and infrastructure. There also needs to be improvements to the laws on criminal procedure and civil procedure³².

Based on the previous studies that have been presented, there are several studies that intersect with this research. There are several previous studies that have explained the effectiveness of e-court implementation in certain Religious Courts. The reviews used in the previous studies varied but generally used maqashid shariah, mashlahah mursalah, and legal principles. Previous research that is relevant to the topic of research to be carried out is generally related to its application in all cases and there are specific studies related to cases of inheritance disputes and sharia economic disputes. However, none of the research has touched on divorce cases, especially in the Soreang Religious Court. Therefore, this research will be new research that enriches the treasures of legal development in Indonesia.

³² Umami Maskanah, "TANTANGAN DALAM PEMBAHARUAN SISTEM PERADILAN MELALUI PERKEMBANGAN TEKNOLOGI: E-COURT DAN E-LITIGASI SEBAGAI SARANA MENUJU PERADILAN MODEREN DI INDONESIA," *Jurnal Hukum Mimbar Justitia* 9, no. 2 (December 30, 2023): 235–55, <https://doi.org/10.35194/JHMJ.V9I2.3776>.

B. Theoretical Framework

1. E-Litigation

E-Litigation is a trial mechanism conducted through electronic media. Article 1 point 7 of Perma No. 7 of 2022 explains that “Electronic trial is a series of processes for examining and deciding cases in court conducted with the support of information and communication technology”. In general, it can be understood that E-litigation is a series of proceedings in court conducted through electronic media so that justice seekers do not need to come to the Court office³³.

The Supreme Court on August 13, 2018 officially launched the e-court application which is used as an electronic trial system. E-Court is an instrument of the court to serve the public in seeking justice. The services offered are online case registration, estimation of fees and online payment of fees, summoning and online trial by sending trial documents (replication, duplicates, conclusions, answers)³⁴. The e-court application is expected to be able to improve services to the community with an electronic mechanism that allows time effectiveness and cost efficiency.

³³ Dicki Nelson and Romy Alfius Karamoy, “Meneropong E-Litigasi Dalam Sistem Peradilan Di Indonesia,” August 21, 2024, <https://www.hukumonline.com/berita/a/meneropong-e-litigasi-dalam-sistem-peradilan-di-indonesia-lt66c57b49aec56/>.

³⁴ Mahkamah Agung, *Buku Panduan E-Court* (Jakarta: Mahkamah Agung Republik Indonesia, 2019).

The service features in the e-court application are as follows:

a. E-Filling

The e-Filling feature provides an easy service for justice seekers to register their cases electronically through the e-Court website without having to come to court. Currently, the types of case registration that can be done through the e-court website are only opened for lawsuit, objection, simple objection, and petition cases. These types of cases are cases registered in the General Courts, Religious Courts and Administrative Courts³⁵.

The advantages for people who register their cases through e-court applications are:

- 1) Save time and money in the case registration process.
- 2) Payment of fees that can be made in multi-channel channels or from various payment methods and banks.
- 3) Documents are well archived and can be accessed from various locations and media.
- 4) Faster data retrieval process

This service can be accessed by advocates as registered users and other users (non-advocates) who have registered to be able to litigate in all courts. The stages are when all the necessary requirements have been verified as valid as a registered user or other user, the party can choose the type of lawsuit and the intended court.

³⁵ Mahkamah Agung.

The party will then receive an online registration number to register and fill in the parties' data page including electronic domicile. The final stage is to upload the lawsuit file, letter evidence, and principal's approval if the party is a registered user on the case registration page.

b. E-Payment

The e-payment feature makes it easy for users to pay fees or e-SKUM (Power of Attorney to Pay). Users who have registered a case electronically through the e-court website will immediately get a SKUM that is generated electronically in the e-court application. The generation process will automatically calculate any cost components that have been determined and configured by the court as well as the amount of the radius fee set by the Chief Justice of the Court, so that the estimated cost of the fee will immediately appear. The estimated court fee (E-SKUM) can be paid immediately by the User after obtaining a Payment Number (Virtual Account) as a virtual account for payment of the court fee. The court will then verify and validate the payment process to be registered in SIPP and will automatically get a case number. The next step after the case number appears is for the party to wait for a summons from the court³⁶.

c. E-Summons

Based on Perma No. 3 Year 2018, it is explained that the summoning of parties who register through the e-court website is done

³⁶ Mahkamah Agung.

electronically. Relas will be sent to the e-mail address of the Registered User. Unlike the defendant, the first summons is done manually, which is sent to the defendant's address. When the defendant attends the first hearing, the judge will ask the defendant whether the summons will be made electronically or manually. If the defendant agrees for the summons to be made electronically then the summons and subsequent trials will be made electronically and if not then the summons will still be made manually³⁷.

d. E-Litigation

E-litigation is a service on the e-court website that allows a series of trials to be conducted electronically. Delivery of trial documents such as replication, duplicates, conclusions, and/or answers are sent electronically which can be accessed by the Court and the parties. Defendants who are not willing to undergo the electronic trial process can follow the hybrid trial procedure. The court will assist through the process of digitizing documents to be inputted in the SIPP system so that documents from the Defendant can be accessed by the Plaintiff, and vice versa, electronic documents sent by the Plaintiff can be downloaded by the court e-Court officer and submitted directly to the defendant in printed form³⁸.

³⁷ Mahkamah Agung.

³⁸ Mahkamah Agung.

2. Legal Effectiveness

The word “effective” comes from the English word “effective” which is defined as “producing the result that is wanted or intended; producing a successful result”. The Big Indonesian Dictionary (KBBI) defines the word effective as something that has influence, has results, comes into effect, etc³⁹. From this definition, it can be understood that the word “effective” is a level or benchmark in seeing a success. In the legal context, legal effectiveness can be assessed by looking at the achievement of the objectives of its formulation and changes in community behavior with a positive impact. Legislation will be considered to be in accordance with its purpose when the community acts as desired or which is the purpose of the formulation of the legislation⁴⁰.

Legal effectiveness means highlighting the objectives to be achieved from the application of law. A legal rule can be known to be successful or not in regulating certain attitudes or behaviors through testing its effectiveness. Efforts that are often used to realize legal goals are using sanctions. Certain conditions according to Soerjono Soekanto have an influence on the effectiveness of legal application. There are at least 5 factors that factor into legal effectiveness, namely:

³⁹ “Arti Kata Efektif - Kamus Besar Bahasa Indonesia (KBBI) Online,” accessed December 12, 2024, <https://kbbi.web.id/efektif>.

⁴⁰ Galih Orlando, “EFEKTIVITAS HUKUM DAN FUNGSI HUKUM DI INDONESIA,” *Tarbiyah Bil Qalam: Jurnal Pendidikan Agama Dan Sains* 6, no. 1 (December 11, 2022), <https://ejurnal.stita.ac.id/index.php/TBQ/article/view/77>.

a. Legal factor

The function of law in general is to realize justice, certainty, and expediency. There are times when there is a conflict between legal certainty and justice. Legal certainty, which is concrete in nature, is very different from justice which is abstract, so that judges when deciding a case do not rule out the possibility that the value of justice to be realized is not achieved

b. Law enforcement factor

Law enforcement apparatus includes law enforcement institutions and apparatus (people) who enforce the law. Law enforcement officials in the narrow sense are the police, prosecutors, judiciary, legal counsel and correctional officers.

c. Legal facilities

Facilities are things that function as supporting facilities. These facilities include educated and skilled human resources, good organization, adequate equipment, sufficient finance, and so on. If the supporting facilities are fulfilled, law enforcement will easily achieve its goals.

d. Community factor

Legal awareness in society plays an important role in realizing legal objectives. The process of realizing legal awareness takes a gradual time. If correlated, legal awareness will greatly affect legal obedience.

e. Legal culture

Basically, the values included in the legal culture are the values that underlie the law. These values are abstract conceptions of what is considered good and what is considered bad. Typically, they are pairs of values that reflect two extremes that must be harmonized.

Legal effectiveness is a very important aspect in seeing the applicability of law (law in action). Lawrence M. Friedman's perspective quoted by Ahadi that there are three elements of the legal system which include legal substance, legal structure, and legal culture. Three optimal elements will produce a good legal system. The urgency of the operation of law in society is not only based on normative law relating to principles, theories, concepts, and court decisions (law in idea/law in book), but law must also be seen from the perspective of its application in society. If the effectiveness of the law in society tends to be low, it means that there is a gap between the law in book and the law in society which will have an impact on the defect of legal objectives⁴¹.

3. Maqashid al-Syariah

Maqashid al-Syariah when viewed from Arabic grammatical is a majmuk (idla'fi) word consisting of two words Maqashid and al-Syari'ah. Maqashid etymologically can be identified as the plural form of the word

⁴¹ Lalu M. Alwin Ahadi, "Efektivitas Hukum Dalam Perspektif Filsafat Hukum: Relasi Urgensi Sosialisasi Terhadap Eksistensi Produk Hukum," *JURNAL USM LAW REVIEW* 5, no. 1 (April 14, 2022): 110–27, <https://journals.usm.ac.id/index.php/julr/article/view/4965>.

maqshad which is formed from the letters qaf, shad and dal, which means intentionality or purpose. The word al-Syari'ah etymologically comes from syara'a yasyra'u syar'an which means making laws, explaining and stating. Syara'a lahum syar'an means that he showed them the way⁴².

Sheikh Thahir Ibn Ashur in his book *Maqashid al-Syariah al-Islamiyah* defines maqashid sharia as the goals and wisdom that are used as the basis of the sharia in all provisions of religious law and the majority of them⁴³.

مقاصد التشريع العامة هي المعاني و الحكم الملحوظة للشارع في جميع أحوال التشريع
أو معظمها، بحيث لا تختص ملاحظتها بالكون في نوع خاص من أحكام الشريعة

Meanwhile, according to Dr. 'Alal al-Fasi quoted by Nasution in his book, it is said that maqashid sharia is the (general) purpose of the enactment of sharia and some of the secrets (wisdom) contained in every legal product. He continued his explanation that the purpose of enacting sharia is to prosper life on earth, maintain order in it, always maintain the stability of natural benefits with human responsibility to create a healthy environment. So, in general, the essence of maqashid al-Syariah is the purpose of the existence of sharia law in the form of benefits for human life and various actions that can benefit all layers of the inhabitants of the earth.

⁴² Ali Mutakin, "Teori Maqâshid Al Syari'ah Dan Hubungannya Dengan Metode Istinbath Hukum," *Kanun Jurnal Ilmu Hukum* 19, no. 3 (December 28, 2017): 547–70, <https://jurnal.usk.ac.id/kanun/article/view/7968>.

⁴³ Muhammad Thohir Ibn Asyur, *Maqashid Al-Syari'ah al-Islamiyyah* (Mesir: Dar al-Kutub al-Mishri, 2010).

Maqashid al-Syariah according to al-Syatibi rests on two objectives, namely al-Syari' (maqashid al-Syari') and al-mukallaf (maqashid al-Mukallaf)⁴⁴. Maqashid al-Syari' means the purpose intended by Allah in establishing sharia law⁴⁵. In this case the intended purpose is to bring benefit and reject all forms of damage. Islamic Shariah as a law in the perspective of maqashid al-Syariah provides five protections or maintenance, namely protection on behalf of religion (Hifdz al-Din), on behalf of the soul (Hifdz al-Nafs), on behalf of offspring (Hifdz al-Nasl), on behalf of reason (Hifdz al-'Aql), and on behalf of property ownership (Hifdz al-Mal)⁴⁶.

Maqashid al-Mukallaf means the goal that a person wants to achieve when doing amaliyyah⁴⁷. According to al-Syatibi, the purpose of Maqashid al-Mukallaf is to distinguish between custom and worship. Imam al-Syatibi divided maqashid al-Syariah into three levels based on the priority of human needs, namely daruriyat (primary needs), hajjiyat (secondary needs) and tahsiniyah (tertiary or complementary needs)⁴⁸.

⁴⁴ Ibrahim ibn Musa al-Syathibi, *Al-Muwafaqat Fi Ushul al-Syari'ah*, 1st ed. (Beirut, Lebanon: Dar al-Kutub al-Ilmiyah, 2004).

⁴⁵ al-Syathibi.

⁴⁶ Muchlis Muchlis and Choirur Rois, "Urgensi Teori Maqashid Al-Syariah Sebagai Metodologi Hukum Islam," *Ulumuna: Jurnal Studi Keislaman* 10, no. 1 (June 15, 2024): 17–33, <https://doi.org/10.36420/JU.V10I1.7558>.

⁴⁷ al-Syathibi, *Al-Muwafaqat Fi Ushul al-Syari'ah*.

⁴⁸ Muchlis and Rois, "Urgensi Teori Maqashid Al-Syariah Sebagai Metodologi Hukum Islam."

CHAPTER III

RESEARCH METHOD

A. Research Type and Approach

The type of research that used in this study is field research. This research was conducted by directly seeing and examining the reality of the running of a law in the community to obtain accurate data. This research was conducted by taking primary data in the place chosen as the research location through related sources. The purpose of this research is to collect, process, and analyze data to be able to assess the process of e-court implementation, especially in resolving divorce cases at the Soreang Religious Court.

The research model used in this study is sociological-legal research. This research is based on community behavior arising from interaction with the existing norm system. Community interaction and reaction to the application of a positive legal provision can also be seen as an action in influencing the formation of a positive legal provision. In sociological-legal research, researchers are tasked with examining what is behind the apparent application of laws and regulations⁴⁹.

Sociological-legal research is analyzed descriptively, which is an analysis that describes and explains the data found in the research. This

⁴⁹ Muhaimin, *Metode Penelitian Hukum*, ed. Fatia Hijriyanti, 1st ed. (Mataram: Mataram University Press, 2020).

research does not provide legal justification as does normative legal research, regarding whether something is wrong or right according to the law, but only describes the facts systematically. So that legal facts related to the implementation of e-Court in divorce cases at the Soreang Religious Court are obtained.

B. Place and Location of Research

The research location refers to the place used for research. In empirical legal research, location is something that must exist and is a very important part. The reason for choosing the location must be explained scientifically so that it is chosen as the research location⁵⁰.

This research was conducted at the Soreang Class IB Religious Court which is located at Jalan Raya Soreang Km. 16 Bandung Regency, West Java 40912. Tel. (022) 5894182 HP/WA 085797979707, Email: pa.soreang@gmail.com.

The reason for choosing the location is that there has been no research related to the application of e-litigation in divorce cases at the Soreang Class IB Religious Court, especially in 2023. Based on information on the PA Soreang website, of the 833 cases received in August 2023, 402 cases were registered electronically through the e-Court application. So that if presented as many as 485 or half of the cases were registered electronically. Ahmad Mujahidin as Registrar of PA Soreang said that there was an increase in the number of cases registered electronically by 4% in

⁵⁰ Muhaimin.

August 2023 so that the total cases were 48%. This makes PA Soreang occupy the top 10 awards as the court with the most e-court utilization for the period of 2023.

C. Research Informant

Informants are people or individuals who provide information related to the data needed by researchers. In empirical legal research, informants are needed to obtain qualitative data⁵¹. The informants used as the primary data sources in this research are the Chairman of the Soreang Religious Court, a Judge who has handled divorce cases electronically in PA Soreang, e-court officers in PA Soreang, PA Soreang clerks, and advocates who have had electronic lawyers related to divorce cases in PA Soreang.

D. Method of Determining Informants

This research uses purposive sampling to determine informants. In this technique, the researcher intentionally selects informants based on certain characteristics relevant to the research. You can choose informants who have specific knowledge or experience in the topic under study.

In the Purposive sampling technique, the subjects of this research are the researchers' choices who are considered to understand more about the electronic trial system (e-Litigation) at the Soreang Religious Court. The selection of research subjects in writing this thesis was carried out

⁵¹ Muhaimin, *Metode Penelitian Hukum*.

deliberately without being made to provide the information needed to researchers.

E. Method of Collecting Data

Data collection techniques are the most strategic steps in research. So, to get the data needed in this study, a certain technique is needed, as for this study researchers used data collection techniques in the form of observation, interviews and documentation

F. Data Validity

In qualitative research, testing the validity of research data is the main criterion for obtaining valid, reliable and objective research data. The techniques for checking the validity of data include: Degree of trust (credibility), transferability, and dependability and confirmability criteria. In testing the validity of the data, the author uses a credibility technique for this research data by means of Triangulation, which is a data validity checking technique that utilizes something else outside the data for the purpose of checking or comparing against a data. According to Sutopo triangulation is the most commonly used way to increase validity in qualitative research. In this study, the triangulation technique used is triangulation of methods and sources which is used as checking the validity of data from various sources and in various ways and to compare the results that researchers find from observations, interviews and documentation which are then drawn to the same conclusion.

G. Method of Data Analysis

Analyzing data is an important step in research, because it can provide conclusions about the data collected by researchers. Data obtained or collected from respondents through observations, interviews, and field documentation are then described and then analyzed in a report and make conclusions so that they are easily understood by themselves and others.

In this study, researchers used qualitative descriptive data analysis techniques, namely analyzing, describing and summarizing various conditions, situations and various data collected in the form of interviews or observations regarding the problems studied in the field. Then analyzed using a deductive mindset systematic by combining data and theories obtained by researchers (general in nature) then analyzed and drawn a conclusion (special in nature).

CHAPTER IV

RESULT AND DISCUSSION

A. Result

1. Profile of Soreang Religious Court

a. History

Bandung Regency is one of 27 regencies and cities located in West Java province⁵². Some sources mention that Bandung regency was formed through the Charter of Sultan Agung Mataram on ping Songo year Alif month Muharram or coinciding with Saturday, April 20, 1641 AD. The first regent who served at that time was Umbul Cihaurbeuti who was titled Tumenggung Wiraangunangun (1641-1681 AD)⁵³. The first capital city of Bandung regency was located in Dayeuhkolot, and in the early days it covered the entire Greater Bandung area, including Bandung city, Bandung regency, Cimahi and surrounding areas. It was only in 1906 that Bandung officially became a municipality (*gemeente*). Cimahi sub-district, which was previously included in Bandung district, was also officially designated as an administrative city on January 29, 1976 and on June 21 of the same

⁵² “Portal Jabarprov - Satu Portal Untuk Semua Hal Tentang Jawa Barat,” accessed January 11, 2025, <https://jabarprov.go.id/tentang-jawa-barat/daftar-kabupaten-kota>.

⁵³ “Sejarah Berdirinya Kabupaten Bandung,” accessed January 11, 2025, <https://bandungkab.go.id/arsip/sejarah-berdirinya-kabupaten-bandung>.

year, Cimahi officially became an autonomous city so that it was no longer part of Bandung district⁵⁴.

The dynamics of regional development and expansion continue to occur. The western region of Bandung Regency (Ngamprah) began to fight for its territory to be established as an independent autonomous region. These efforts were finally answered through Law Number 12 of 2007 concerning the Establishment of West Bandung Regency. Through this law, West Bandung Regency officially became a new independent autonomous region separate from Bandung Regency. Until now, the remaining Bandung regency has 31 sub-districts and Soreang is the regency capital⁵⁵.

The consequence of the dynamics of regional expansion in Indonesia is the increase in work units to support government activities. In the judicial sector, the government needs to add work units such as courts of first instance in newly expanded districts or cities. Through Presidential Decree No. 15/2016, the President officially established 27 new Religious Courts, one of which is the Soreang Religious Court. The establishment of these new religious courts is an effort by the government to realize equal opportunities for

⁵⁴ “Mencari Pengadilan Agama ‘CIMAHI’ Yang Hilang Oleh Erfani Aljan...,” accessed January 11, 2025, <https://pa-soreang.go.id/mencari-pengadilan-agama-cimahi-yang-hilang/>.

⁵⁵ “Jumlah Desa/Kelurahan Menurut Kecamatan Di Kabupaten Bandung, 2019 - Tabel Statistik - Badan Pusat Statistik Kabupaten Bandung,” accessed January 12, 2025, <https://bandungkab.bps.go.id/id/statistics-table/1/NDQ0IzE=/jumlah-desa-kelurahan-menurut-kecamatan-di-kabupaten-bandung-2019.html>.

justice seekers and improve legal services to the community⁵⁶. The Soreang Religious Court and 84 other new courts were inaugurated on Monday, October 22, 2018. Muhamamad Hatta Ali, who at that time served as chairman of the Supreme Court, said that the inauguration of the operationalization of 85 new courts was in order to bring court services closer to the justice-seeking community⁵⁷.

The Religious Court in Bandung Regency was originally named Cimahi Religious Court. This court was formed based on Decree of the Minister of Religious Affairs of the Republic of Indonesia Number 28 of 1967 concerning the Establishment of a Branch Office of the Bandung Religious Court in Cimahi with a jurisdiction covering the Bandung Regency area. The word “Branch Office” in the decree indicates that there was already a Bandung Religious Court in the city of Bandung. At least since 1882, the Bandung Religious Court has existed under other names such as Raad Agama, Kerapatan Qadhi, or Islamic Court⁵⁸. The naming of Cimahi in the decree was because Cimahi Sub-district at that time was seen as a sub-district that was more developed than other sub-districts in Bandung Regency⁵⁹.

⁵⁶ “Sejarah Pengadilan,” accessed January 11, 2025, <https://pa-soreang.go.id/sejarah-pengadilan/>.

⁵⁷ “Sejarah Pengadilan.”

⁵⁸ “Tanggal Pembentukan Pengadilan,” accessed January 12, 2025, <https://www.pa-cimahi.go.id/tentang-pengadilan/sejarah-pengadilan-cmi/tgl-pembentukan-pengadilan>.

⁵⁹ “Mencari Pengadilan Agama ‘CIMAHI’ Yang Hilang Oleh Erfani Aljan....”

A former judge at the Bandung Religious Court, KH. Moh Syarif Ishak was officially inaugurated as the first Head of the Bandung Religious Court Branch Office in December 1967. This inauguration was the beginning of the operation of the Bandung Religious Court Branch Office in the Cimahi sub-district area. Several times this office moved in several locations in Cimahi, and even moved to the Bandung Regency Regional Government Office Complex in Soreang District. Until 2018, the Bandung Regency Religious Court under the name PA Cimahi was located in Pamekaran Village KM 16, Soreang District, Bandung Regency⁶⁰.

The jurisdiction of Cimahi Religious Court covers Bandung Regency, Cimahi City, and West Bandung Regency. However, after the development and expansion of the region, Cimahi City and West Bandung Regency were separated from Bandung Regency. The nomenclature of Cimahi Religious Court through Presidential Decree Number 15 of 2016 was officially changed to Cimahi City Religious Court with its class classification. While the Bandung Regency Religious Court changed to the Soreang Religious Court with a class II classification because it was declared a new religious court ⁶¹.

Soreang Religious Court is located at Jl. Raya Soreang KM. 16, Pamekaran, Soreang Sub-district, Bandung Regency, West Java

⁶⁰ “Mencari Pengadilan Agama ‘CIMAHI’ Yang Hilang Oleh Erfani Aljan....”

⁶¹ “Sejarah Berdirinya Kabupaten Bandung.”

Province⁶². This building originally functioned as the Cimahi Religious Court building. However, because the jurisdiction is in Bandung Regency, the Cimahi Religious Court must be domiciled in its jurisdiction, namely Cimahi City. The asset handover ceremony from Cimahi City Religious Court to Soreang Religious Court was held on July 24, 2019⁶³. The jurisdiction of the Soreang Religious Court covers the Bandung Regency area of West Java Province as the relative competence of PA Soreang which consists of 31 sub-districts, 10 villages, and 270 villages⁶⁴. Data from the Central Bureau of Statistics states that the population of Bandung Regency in 2022 will reach 3,718,660 people with an area of 1,767.96 km²⁶⁵.

b. Vision and mission of Soreang Religious Court\

The Soreang Religious Court has a vision and mission to realize excellent legal services to justice-seeking parties. The vision adopted by the Soreang Religious Court is “TERWUJUDNYA PENGADILAN AGAMA SOREANG YANG AGUNG”⁶⁶. This vision reflects the determination and main goal of the Soreang Religious Court to become a superior and honorable judicial

⁶² “Alamat Pengadilan,” accessed January 12, 2025, <https://pa-soreang.go.id/alamat-pengadilan-2/>.

⁶³ “PENGADILAN AGAMA KOTA CIMAHI LAKUKAN SERAH TERIMA ASET DENGAN PENGADILAN AGAMA SOREANG,” accessed January 12, 2025, <https://www.pa-cimahi.go.id/seputar-peradilan/271-pengadilan-agama-kota-cimahi-lakukan-serah-terima-aset-dengan-pengadilan-agama-soreang>.

⁶⁴ “Wilayah Yurisdiksi,” accessed January 12, 2025, <https://pa-soreang.go.id/wilayah-yurisdiksi/>.

⁶⁵ “Jumlah Penduduk Menurut Kecamatan - Tabel Statistik - Badan Pusat Statistik Kabupaten Bandung,” accessed January 12, 2025, <https://bandungkab.bps.go.id/id/statistics-table/2/MzYyIzI=/jumlah-penduduk-menurut-kecamatan.html>.

⁶⁶ “Visi Misi Pengadilan,” accessed April 20, 2025, <https://pa-soreang.go.id/visi-misi-pengadilan/>.

institution. The placement of the term “agung” here indicates a desire to achieve dignified justice, excellent legal services, and high integrity in carrying out its duties and functions. This vision serves as a compass for all elements of the Soreang Religious Court in making the best contribution to society.

In order to realize the vision that has been set, the Soreang Religious Court formulates several missions to support this, including⁶⁷:

- 1) Maintaining the independence of the Soreang Religious Court
- 2) Providing equitable legal services to justice seekers
- 3) Improving the quality of leadership of the Soreang Religious Court
- 4) Improving the credibility and transparency of the Soreang Religious Court

The vision and mission of the Soreang Religious Court as a whole reflect the determination of this institution to become a judicial institution of excellence, integrity, and commitment in providing fair and transparent legal services. The Soreang Religious Court strives to realize a judiciary that is dignified and trusted in the eyes of the community by maintaining independence, improving leadership quality, and upholding credibility and openness. This vision and

⁶⁷ “Visi Misi Pengadilan.”

mission are a solid foundation to provide real benefits to justice seekers, in line with the principles of justice and legal certainty.

c. Main duties and functions of the Soreang Religious Court

The Soreang Religious Court aims to realize the ease for justice seekers in accessing law and justice as well as improving legal services to the people of Bandung Regency in order to achieve the settlement of certain civil cases for people of the Muslim religion in accordance with the competence granted by laws and regulations with simple, fast and light costs⁶⁸.

The main tasks and functions of the Soreang Religious Court are to receive, examine, decide and resolve certain civil cases for people of the Muslim religion submitted in accordance with the competence granted by applicable laws and regulations. Based on Article 2 jo. Article 49 of Law Number 3 of 2006 concerning Amendments to Law Number 7 of 1989 concerning Religious Courts, the absolute competence of religious courts which is the authority of the Soreang Religious Court is civil disputes in the fields of marriage, inheritance, wills, grants, waqf, zakat, infaq, sadaqah, and shari'ah economics⁶⁹.

d. Organizational structure of Soreang Religious Court

⁶⁸ "Tugas Pokok Dan Fungsi Pengadilan Agama," accessed April 21, 2025, <https://pa-soreang.go.id/fungsi-dan-tugas-peradilan-agama/>.

⁶⁹ "UU No. 3 Tahun 2006," accessed April 21, 2025, <https://peraturan.bpk.go.id/Details/40154/uu-no-3-tahun-2006>.

2. E-Court in the Religious Courts

The implementation of e-courts in Indonesia is part of the judicial system reform efforts aimed at improving efficiency, transparency and accessibility for the public in accessing justice. E-Court as the latest

judicial system integrates electronic case administration services, while e-litigation goes further by allowing all stages of the trial to be conducted electronically. Judging from the history of its implementation, e-court has been in effect since the issuance of Supreme Court Regulation (Perma) Number 3 of 2018. This regulation regulates case administration through an electronic system. This system includes services such as case registration (e-filing), payment of case fees (e-payment), and court summons (e-summon). In 2019, Perma No. 1/2019 was introduced to expand the scope of services by adding an electronic trial element, known as e-litigation.

E-Litigation was implemented in several stages. The initial phase involved testing the system in pilot courts. After obtaining feedback from early users and making evaluations and improvements, the system was then expanded to other courts across Indonesia. In 2020, e-litigation began to be implemented more widely after passing a rigorous testing phase. Along with the development of e-litigation implementation, the Supreme Court continued to evaluate and improve the system. In 2022, the Supreme Court issued PERMA No. 7 of 2022 as a refinement of the previous regulation on electronic case administration. This latest regulation aims to increase the effectiveness of e-court and e-litigation utilization and overcome various obstacles that arise during its implementation.

The implementation of e-court-based e-litigation in Indonesia represents a step forward in the modernization of the justice system. The goal of e-litigation is time and cost efficiency and increased transparency of the system will increase public confidence in the judiciary. However, existing challenges need to be addressed through education and infrastructure improvement to ensure optimal implementation.

3. Divorce cases in Soreang Religious Court in 2023

Based on information from the registrar of the Soreang Religious Court, divorce cases filed at the Soreang Religious Court in 2023 were recorded at 7,916 cases. The following is a comparison of data between registrants who used e-court and manually

NO	BULAN	MANUAL	E-COURT	PERSENTASE E-COURT
1	Januari	474	316	40 %
2	Februari	378	277	42 %
3	Maret	283	280	50 %
4	April	190	39	17 %
5	Mei	551	389	41 %
6	Juni	364	328	47 %
7	Juli	410	305	43 %
8	Agustus	410	375	48 %

9	September	371	296	44 %
10	Oktober	360	324	47 %
11	November	361	319	47 %
12	Desember	232	284	55 %
TOTAL		4384	3532	43%

Figure 4.2. Divorce Cases Filed at the Soreang Religious Court in 2023

(Source: PA Soreang Legal Registrar)

NO	TAHUN	PERKARA E-COURT
1	2022	41 %
2	2023	43 %
3	2024	52 %

Figure 4.3. Percentage of Divorce Cases Using E-Court at the Soreang Religious Court in 2022-2024

(Source: PA Soreang Legal Registrar)

The data in the table shows an increase in the number of people utilizing e-courts. At least if seen in terms of per year. It can be seen that divorce cases filed through e-courts increased from 2022 to 2024.

B. Discussion

1. Application of E-Litigasi in Soreang Religious Court

E-Court as a transparent judicial innovation in Indonesia has undergone many improvements from both system and regulation. The Supreme Court as the highest judicial institution plays an important role in realizing the implementation of e-court in all judicial institutions under it. Perma No. 3 Year 2018 became the first step of e-court implementation in Indonesia. Various services such as case registration (e-filing), case payment (e-payment), and party summons (e-summons) have been introduced through the regulation. The e-court regulation was further enhanced by the issuance of Perma No. 1 of 2019 which added electronic trial services (e-litigation). Until now, e-court has been accelerated by the issuance of Perma No. 7 Year 2022. This regulation specifically aims to increase the effectiveness of the use of e-court and e-litigation and to overcome various obstacles that arise during its implementation⁷⁰.

The implementation of e-court in the religious court environment, especially the Soreang Religious Court, has a good impact on cost efficiency⁷¹. Parties who choose to litigate through e-courts will incur more affordable costs than manually. E-courts have so far realized efficiency and effectiveness in court proceedings, this is because e-courts

⁷⁰ Interview with Wenny Indriasari, S.H. as Judicial Case Analyst (E-Court Officer) at Soreang Religious Court, February 10, 2025 at 3:00 p.m.

⁷¹ Interview with Ida Fadilah Fajariah, S.T., S.H. as the Deputy Registrar of Law at the Soreang Religious Court, February 10, 2025 at 3:00 p.m.

cut distance, time, and costs, making it easier for parties who want to register their cases anywhere and anytime. Effectiveness is related to the goal, so e-court has certainly realized the goal of obtaining justice for the parties. The benefits of e-courts can best be felt by the justice-seeking community, especially for those who are busy⁷².

The mechanism of trial through e-court in general is not much different when compared to manual. The most basic difference is in the utilization of technology because almost all stages of e-court use online media. The use of online media as a means of trial must still pay attention to the formal law in the trial. Therefore, the minutes in e-courts are still available, such as the opening of the trial, the parties downloading their answers, reading, verification, adjournment of the trial, and so on⁷³.

The use of e-court has started since registration through the e-filing feature. The parties will be directed by the officer to register their cases through the e-court web. The e-court officer educates and assists the public to register their cases through e-court. In addition, the officer will assist in creating an account, inputting data, and registration⁷⁴. This is a factor in the high utilization of e-court in Soreang Religious Court. Socialization is carried out incidentally by means of every community

⁷² Interview with Syaraswati Nur Awalia, S.Sy. as a Judge at the Soreang Religious Court, February 11, 2025 at 09.00 a.m.

⁷³ Ibid

⁷⁴ Interview with Wenny Indriasari, S.H. as Judicial Case Analyst (E-Court Officer) at Soreang Religious Court, February 10, 2025 at 3:00 p.m.

that wants to litigate in PA Soreang, offered through e-court first, then when they cannot be forced to use e-court, they are required to fill out an objection form to litigate by e-court.

The earliest stage of litigating through e-court is that the plaintiff must first have a user account to file a lawsuit. The account used can be a registered user account (advocate) or another user such as an individual or an incidental attorney who has obtained approval from the court⁷⁵. Case registration is done by filling out an electronic form, uploading a lawsuit or petition, and other supporting documents.

The e-court system will automatically calculate and issue an estimated case fee (electronic SKUM) upon successful registration. The SKUM is then paid online through electronic payment channels that have cooperated with the Supreme Court⁷⁶. Proof of payment is automatically integrated into the system and becomes the basis for issuing a case number by the registrar.

The next stage is the electronic summoning of the parties. The summons is made through an email address (email) or other electronic media that has been agreed by the parties during account registration. This electronic summons is declared valid and has the same legal force as a conventional summons, as long as it is proven to have been received by the party concerned⁷⁷.

⁷⁵ Perma No. 1 Tahun 2019

⁷⁶ Ibid

⁷⁷ Ibid

The trial of divorce cases through e-litigation is carried out in stages. The first session begins with the agenda of peace efforts and mediation. At this stage, both parties are required to attend the trial offline at the Religious Court. The aim is to make peace efforts more effective with two-way communication and to submit the parties' required documents that have been uploaded on the e-court website⁷⁸.

The next stage of the trial was conducted electronically with the mechanism of the parties and the panel of judges exchanging trial documents online. The electronic trial was conducted after the mediation process was declared unsuccessful and both parties agreed to the electronic trial process⁷⁹. This process includes the reading of the lawsuit, the submission of an answer by the defendant, a replication by the plaintiff, a duplicity by the defendant, and the submission of conclusions from each party. The parties will still conduct offline hearings at the Religious Court during the evidentiary hearing. In a manual trial, the agenda of the trial when answering will be more easily confirmed to the parties. While in an electronic trial, there is no opportunity to confirm the parties' answers⁸⁰.

E-Litigation allows all stages of the trial to be conducted in a hybrid manner. This situation is applied when the defendant has limited internet access so that they are unable to participate in the trial online.

⁷⁸ Interview with Syaraswati

⁷⁹ Ibid

⁸⁰ Ibid

The mechanism of the hybrid trial is that the defendant will continue to follow the flow of the trial offline while the plaintiff will upload the answer online. The PTSP officer will print the files that have been uploaded by the plaintiff to be submitted to the defendant. Meanwhile, the defendant's answer will be submitted in hard copy to the officer to be scanned and sent to the plaintiff⁸¹.

The panel of judges will set a date for the reading of the decision after all stages of the trial have been completed. The reading of the decision can be done electronically if the parties agree and conditions allow. The decision that has been read out will be uploaded in the system and can be accessed by the parties through their respective accounts⁸².

2. Effectiveness of E-Court in PA Soreang in Divorce Cases in 2023

The effectiveness of the application of e-litigation in divorce cases at the Soreang Religious Court can be analyzed through five factors put forward by Soerjono Soekanto, namely legal factors, law enforcement factors, facilities and infrastructure factors, community factors, and mindset and socio-cultural factors.

a. Legal factor

The implementation of e-litigation when viewed from its regulation has a clear legal basis through Supreme Court Regulation (Perma) No. 1 of 2019 concerning Case Administration and Trial in

⁸¹ Interview with Syaraswati Nur Awalia

⁸² Perma No. 7 Tahun 2022

Court Electronically and Perma No. 7 of 2022 which provides convenience for litigants to access e-court services without having to be accompanied by an advocate. This reflects legal certainty in the implementation of e-litigation. However, in practice, these rules still face technical and adaptation obstacles for people who are not yet accustomed to digital processes.

b. Law enforcement factor

Law enforcement officials in the context of justice are not only formal institutions such as judges and clerks, but advocates and e-court officers can also be categorized as law enforcement. The role of these law enforcers is very important in realizing the effectiveness of legal services through e-courts. Judges at the Soreang Religious Court have shown good synergy and adaptation to technology-based innovations in the e-court system. The judges have generally understood the procedure of litigation through e-court because it is actually not much different from manual litigation. Nevertheless, in its application, judges must not ignore the principles of procedural law. One of the principles of formality upheld is the obligation for the parties to attend the mediation session and the submission of original documents during the first trial⁸³.

The registrar's office, in terms of its readiness to implement e-court, is administratively quite ready. The latest regulations issued

⁸³ Interview with Syaraswati Nur Awalia

by the Supreme Court in relation to e-court are well understood. In addition, the availability of competent officers to serve digital-based processes is also considered sufficient.

Since 2023, the Supreme Court has instructed all advocates to register their cases by e-court. So that the advocates have understood the e-court procedure deeply. Usually, new advocates are given some kind of training to operate e-courts⁸⁴. The presence of an advocate in a case is very instrumental in accompanying the parties and giving directions to use e-court. This shows that law enforcement officials outside the judicial institution have a significant contribution to the effectiveness of e-court implementation.

Another law enforcement officer is the e-court officer who is in charge of registering and verifying cases and directly educating the public to litigate by e-court. The officer will direct the parties to register their cases in e-court with a humanist and responsive approach. The parties will be assisted in creating an account, inputting case data, and guiding until the registration process is completed. This has increased the interest and knowledge of the

⁸⁴ Interview with Dwi Atmadji Budijanto, S.H. as an Advocate at the Soreang Religious Court, February 10, 2025 at 2:30 p.m.

public regarding electronic court proceedings at the Soreang Religious Court.

c. Facilities and infrastructure factor

The Soreang Religious Court has provided adequate facilities to support e-litigation, including computers with appropriate specifications and a stable internet network. In addition, the presence of an e-court service desk and officers ready to assist the public in the case registration process indicates good infrastructure readiness⁸⁵. Nevertheless, there are still technical obstacles, such as delays in confirmation of payments from banks and limited internet access in remote areas, which can hamper the smooth running of e-litigation.

d. Community factor

The community factor is the most important challenge in the implementation of e-litigation. Based on interview data, there are still many people who do not have an adequate understanding of the use of e-courts, especially those who are older or do not have access to technological devices such as computers or smartphones⁸⁶. In addition, there are still people who do not have e-mail and personal bank accounts, which are the main requirements for electronic case registration. As a solution, PA Soreang provided guidance in the

⁸⁵ Interview with Wenny Indriasari, S.H. as Judicial Case Analyst (E-Court Officer) at Soreang Religious Court, February 10, 2025 at 3:00 p.m.

⁸⁶ Ibid.

creation of e-court accounts and allowed the use of accounts in the name of the closest family member for parties who did not have a personal account⁸⁷.

e. Socio-cultural factor

The mindset and legal culture of the community have a significant role in the effectiveness of e-court implementation. This system offers easy access and efficiency of litigation in the Soreang Religious Court. But the reality is that this digital-based convenience needs more effort to adapt. People, especially those living in rural areas or those from older age groups, are often less familiar with existing technological developments. The legal culture of the people in Bandung Regency still tends to be traditional, so there are difficulties in encouraging them to use digital platforms to access justice⁸⁸. This lack of understanding of technology is not solely related to capacity, but is also closely related to the legal culture that has been formed over generations, where court cases have always been handled face-to-face. The transition to digital processes requires a paradigm shift that cannot happen instantly. Nevertheless, the Soreang Religious Court was able to overcome this cultural challenge by conducting education and mentoring by e-court

⁸⁷ Interview with Ida Fadilah Fajariah, S.T., S.H. as the Deputy Registrar of Law at the Soreang Religious Court, February 10, 2025 at 3:00 p.m.

⁸⁸ Interview with Wenny Indriasari, S.H. as Judicial Case Analyst (E-Court Officer) at Soreang Religious Court, February 10, 2025 at 3:00 p.m.

officers. Such efforts are quite effective in building a new technology-based legal awareness. The parties who have successfully settled their cases through e-court have directly experienced the effectiveness and efficiency of this system.

3. Maqashid al-Syariah Review of the Application of E-Litigation in the Religious Courts

E-litigation in the religious courts is the latest innovation presented by the Supreme Court since 2020. Looking at its general purpose, the Supreme Court wants to realize the benefit and convenience for the justice-seeking community. This goal is in line with the principles of justice in Indonesia which explain that justice must be carried out simply, quickly and at low cost. This is closely related to the wisdom of the Shari'ah that Allah swt. has revealed to all mankind. The rules of sharia that Allah has enacted are only for the benefit of mankind⁸⁹.

From the perspective of maqashid syariah, there are classifications of al-Ghayah and al-Wasail for analyzing a matter. Al-Ghayah can be understood as essential sharia objectives. Meanwhile, al-Wasail are means justified by sharia to achieve these objectives. There are several objectives of maqashid sharia to realize benefits and avoid harm to humans, namely the maintenance of religion (Hifdz al-Din), maintenance of the soul (Hifdz al-Nafs), maintenance of reason (Hifdz

⁸⁹ Ibrahim ibn Musa al-Syathibi, *Al-Muwafaqat Fi Ushul al-Syari'ah*, 1st ed. (Beirut, Lebanon: Dar al-Kutub al-Ilmiyah, 2004).

al-Aql), maintenance of offspring (Hifdz al-Nasl), and maintenance of property (hifdz al-Mal). In addition, to realize these five goals, it is further divided according to the level of need and priority scale which is categorized into three levels, namely basic needs (al-Dharuriyat), needs to alleviate (al-Hajjiyat), and complementary needs (al-Tahsiniyat).

E-litigation in the religious court environment is positioned as a *syar'iyah wasilah* or a means that is legally valid under sharia law to achieve Hajjiyat-based *maslahat*. Hajjiyat is something that is necessary to make human life easier and avoid difficulties⁹⁰. The application of e-litigation provides convenience for litigants, but if it is not applied, it does not cause constraints on the judicial process, only causes a longer process and more expensive costs. E-litigation facilitates public access to justice without physical barriers, costs, or security risks, especially in the post-pandemic context.

The aspects of *maqashid al-syariah* that can be accommodated through the application of e-litigation are maintaining the soul (Hifdz al-Nafs) and maintaining property (Hifdz al-Mal). E-litigation makes it easier for parties to litigate from their respective places of residence without having to come to the Soreang Religious Court. This will protect the safety of women victims of domestic violence from psychological pressure and physical threats. This saves energy and avoids unwanted incidents on the way to court. In addition, with the speed of the stages of

⁹⁰ al-Syathibi.

the trial process so that it can ease the burden of work that can affect personal health.

The costs incurred to litigate through the e-litigation mechanism are also more affordable when compared to the implementation of manual trials.

People living in remote areas or outside cities and economic groups in this context are the main beneficiaries. This is because e-litigation significantly reduces legal costs such as transportation to court, consumption, and others are automatically cut because everything is done through electronic media.

CHAPTER V

CONCLUSION AND SUGGESTION

A. Conclusion

The results of research on the application of e-litigation at the Soreang Religious Court in the settlement of divorce cases in 2023 show that the application of this system has been quite effective, although it still faces a number of technical and cultural challenges. E-litigation as part of the e-court system has provided significant convenience for justice seekers, especially in terms of time efficiency, cost, and access to judicial services. This is in line with the principle of simple, speedy and low-cost justice as mandated by the Law, and in accordance with the *maqashid al-syariah* of the *hajjiyat* category, namely helping people in facing the difficulties of life without becoming an absolute necessity.

From a legal perspective, the implementation of e-litigation has a strong regulatory basis through Perma Number 1 of 2019 and Perma Number 7 of 2022. Law enforcement officials, including judges, clerks, advocates, and e-court officers, have shown readiness and synergy in supporting this system. Facilities and infrastructure at the Soreang Religious Court are also considered adequate, although there are still obstacles such as limited internet networks and delays in the payment system.

From the community aspect, there are still barriers in terms of digital literacy and traditional legal culture. However, education and guidance

efforts carried out by e-court officers directly have succeeded in increasing public participation in the use of e-court, as shown by the increase in the number of cases registered electronically from year to year.

In the *maqashid al-syariah* perspective, the implementation of e-litigation contributes to the preservation of the soul (*hifz al-nafs*) and property (*hifz al-mal*), as this system avoids the physical burden and excessive costs that can arise from conventional judicial processes.

B. Suggestion

Based on the research findings, there are several suggestions that can be made to improve the effectiveness of e-litigation implementation at the Soreang Religious Court. First, it is necessary to increase the intensity of socialization and digital education to the community, especially for vulnerable groups such as the elderly and rural residents. This is so that access to the e-court system can be enjoyed more evenly and does not create a digital divide. Second, the strengthening of information technology infrastructure is an urgent need, especially in terms of a stable internet network and a well-integrated electronic payment system, so that the litigation process does not experience technical obstacles.

Furthermore, the role of e-court officers needs to be optimized not only in terms of technical administration, but also in providing guidance and responsive and humanist services to justice seekers. In addition, the implementation of e-litigation should not only be seen as a digital transformation, but also as an opportunity to integrate *maqashid al-syariah*

values, so that technological innovation in the judiciary remains in line with the principle of the benefit of the people. Finally, the Supreme Court is expected to continue to conduct periodic evaluations of the implementation of e-litigation, both in terms of regulations, technical implementation, and public services, to ensure that this system really provides real benefits to the justice-seeking community at large.

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APPENDIX

Appendix I. Research Permit Letter



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Assalamu 'alaikum wr. wb.

Dengan ini kami sampaikan dengan hormat kepada Bapak/Ibu, bahwa bagi mahasiswa Program Sarjana Fakultas Ilmu Agama Islam Universitas Islam Indonesia Yogyakarta yang telah menyelesaikan teori, diwajibkan menulis karya ilmiah berupa skripsi.

Sehubungan dengan hal tersebut di atas, mahasiswa kami:

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No. Mahasiswa : 21421022
Program Studi : Ahwal Al-Syakhshiyah IP

mohon diizinkan untuk mengadakan penelitian di instansi/lembaga yang Bapak/Ibu pimpin, dengan judul penelitian:

***Application of E-Litigation in the Settlement of Divorce Cases at the Soreang Class
IB Religious Court 2023***

Demikian, atas perhatian dan kerjasamanya diucapkan terima kasih.

Wassalamu 'alaikum wr. wb.



Dr. Drs. Asmuni, MA

Appendix II. Research Permit Reply



**MAHKAMAH AGUNG REPUBLIK INDONESIA
DIREKTORAT JENDERAL BADAN PERADILAN AGAMA
PENGADILAN TINGGI AGAMA BANDUNG
PENGADILAN AGAMA SOREANG**

Jl. Raya Soreang KM. 16 Kab. Bandung
Website : <http://www.pa-soreang.go.id>, E-mail : surat@pa-soreang.go.id
SOREANG - 40912

Nomor : 0028 /WKPA.W10-A25/HM2.1.1 /I/2025 Soreang, 10 Januari 2025
Lampiran : -
Hal : Jawaban Izin Penelitian

Kepada Yth.
Dekan Fakultas Ilmu Agama Islam
Universitas Islam Indonesia
di Tempat

Assalamu'alaikum, Wr. Wb.

Menindaklanjuti surat Dekan Fakultas Ilmu Agama Islam Universitas Islam Indonesia Nomor: 19/DEK/60/DAATI/FIAI/I/2025, mengenai permohonan izin penelitian yang diajukan oleh:

Nama : Muhammad Yazid Ashhidqi
No. Mahasiswa : 21421022
Program Studi : Ahwal Al-Syakhsyiyah IP
Judul Penelitian : *Application of E- Litigation in the Settlement of Divorce Cases at the Soreang Class IB Religious Court 2023*

dengan ini kami sampaikan bahwa pada prinsipnya kami tidak keberatan untuk memberikan izin penelitian tersebut dengan syarat mengikuti tata tertib dan aturan yang berlaku di Pengadilan Agama Soreang.

Demikian, atas perhatiannya kami ucapkan terima kasih.

Wassalamualaikum, Wr. Wb.

Wakil Ketua,

Dian Siti Kusumawardani, S.Ag., S.H.

Tembusan:

Yth. Ketua Pengadilan Agama Soreang sebagai laporan;

Appendix III. List of Question and Interview Process

Nama Informan		Dwi Atmadji Budijanto, S.H.
Jabatan		Advokat / Konsultan Hukum di Pengadilan Agama Soreang
Hari/Tanggal		Senin, 10 Februari 2025
Waktu		14.30 – 15.00 WIB
No.	Pertanyaan	Jawaban
1.	Sejak kapan bekerja sebagai advokat di PA Soreang	Bekerja sebagai advokat sejak tahun 2017 saat PA Soreang masih bernama PA Cimahi. Tahun 2019 Pengadilan Agama di Kabupaten Bandung dipecah menjadi 3 yaitu PA Cimahi, PA Soreang, PA Bandung Barat.
2.	Jelaskan secara singkat terkait e-court	Sejak 2022 sudah mulai wajib e-court tapi belum wajib secara keseluruhan, baru pada tahun 2023 MA mengintruksikan untuk seluruh advokat wajib mendaftarkan perkaranya secara e-court. Jadi sejak tahun 2023 seluruh kasus yang kami damping menggunakan e-court. Masyarakat yang ingin mendaftarkan perkaranya secara mandiri dan melalui e-court akan diarahkan oleh petugas e-court untuk membuat akun dan mendaftarkannya melalui e-court
3.	Keuntungan berperkara menggunakan e-court	Secara efisiensi waktu, kita lebih cepat untuk mendaftarkan perkara kapanpun dan dimanapun melalui web e-court. Jadi tidak terbatas pada hari-hari kerja saja. Hanya saja biasanya pengadilan di dua hari terakhir setiap bulannya menutup pendaftaran karena untuk

		mengantisipasi pendaftar tidak teregis di bulan itu.
4.	Kendala dan evaluasi terhadap penerapan e-court	Saya pikir sejauh ini masih lancar-lancar saja, kecuali kalo pas ada perbaikan sistem dari Mahkamah Agung, biasanya sekitar 1-2 hari. Kendala lain yang mungkin dirasakan itu terkait pembayaran, terkadang ada keterlambatan konfirmasi dari pihak bank yang terdaftar.
5.	Bagaimana sarana dan pra sarana penunjang e-court di PA Soreang	Sarana dan pra sarana penunjang e-court di PA Soreang sudah cukup memadai. Aplikasi e-court cukup user friendly, apalagi untuk para advokat yang sudah sering menggunakannya. Serta biasanya para advokat baru diberi semacam pelatihan untuk menggunakan e-court karena mereka wajib berperkara melalui e-court
6.	Apa harapan dan saran terkait penerapan e-court di PA Soreang	Selama ini sudah cukup baik, bahkan terkadang kalo ada perbaikan sistem dari MA, para advokat sudah diberitahu beberapa hari sebelumnya dari Pengadilan Agama Soreang

Nama Informan		Ida Fadilah Fajariah, S.T., S.H.
Jabatan		Panitera Muda Hukum
Hari/Tanggal		Senin, 10 Februari 2025
Waktu		15.00 – 15.30 WIB
No.	Pertanyaan	Jawaban
1.	Sejak kapan bertugas di Pengadilan Agama Soreang	Saya awalnya bertugas sebagai panitera pengganti di PA Soreang sejak 2019. Dilantik sebagai panitera muda di bulan Oktober 2024
2.	Bagaimana pendapat anda terkait penerapan e-court di lingkungan peradilan agama?	Penerapan e-court di lingkungan peradilan agama sangat berdampak pada efesiensi biaya. Jadi secara umum biaya berperkara melalui e-court lebih terjangkau dibanding manual. Awalnya e-court hanya bisa didaftarkan lewat kuasa hukum, baru sejak tahun 2023 setelah terbit Perma No. 7 Tahun 2022 pihak berperkara dapat beracara secara e-court tanpa didampingi pengacara dengan syarat pihaknya memiliki alamat e-mail dan rekening bank
3.	Bagaimana tren pemanfaatan e-court di PA Soreang, khususnya pada tahun 2023	Jelas sangat meningkat, terlebih di tahun 2024.
4.	Bagaimana cara PA Soreang mendapatkan penghargaan 10 besar pemanfaatan e-court terbanyak di tahun 2023?	PA soreang memiliki target penggunaan e-court yang diarahkan oleh Badilag Ada petugas yang siap mendampingi masyarakat dalam mendaftarkan perkaranya secara e-court sampai tahap awal persidangan.
5.	Kelebihan berperkara melalui e-court	E-court itu benar-benar memudahkan masyarakat. Daftar perkara melalui e-court tidak mengharuskan datang ke Pengadilan, sehingga akan

		lebih memudahkan para pihak yang akan berperkara. Setelah perkara sudah didaftarkan, tinggal membayar melalui virtual account dan menunggu konfirmasi pembayaran, setelah itu para pihak akan menerima nomor registrasi perkara dan menunggu jadwal sidang yang akan diumumkan melalui e-mail.
6.	Bagaimana sarana pra sarana penunjang e-court di PA Soreang	Saya kira sudah cukup baik, komputer dengan spesifikasi yang dibutuhkan untuk e-court sudah tersedia dan jaringan cukup stabil.
7.	Kendala dan evaluasi terhadap penerapan e-court di PA Soreang	Masyarakat belum sepenuhnya mempunyai e-mail dan rekening bank. Perkara-perkara permohonan yang pihaknya mungkin sudah berumur dan tidak punya e-mail menjadi kendala penggunaan e-court. Solusi bagi para pihak yang tidak memiliki rekening atas nama pribadi, diperbolehkan menggunakan rekening atas nama orang tua atau anak kandung.
8.	Bagaimana harapan dan saran anda terkait penerapan e-court di PA Soreang	E-court itu saya rasa sudah bagus, tetapi dalam penerapannya harus dilihat juga kemampuan masyarakatnya. Harus ada penyesuaian-penyesuaian yang lebih memudahkan masyarakat secara umum dalam mengakses e-court.

Nama Informan		Wenny Indriasari, S.H.
Jabatan		Analisis Perkara Peradilan (Petugas E-Court)
Hari/Tanggal		Senin, 10 Februari 2025
Waktu		15.30 – 16.00 WIB
No.	Pertanyaan	Jawaban
1.	Sejak kapan bertugas di Pengadilan Agama Soreang?	Bertugas sejak 2021 bulan Februari
	Apa saja aktivitas yang dilakukan sebagai petugas e-court?	Kita harus aktif menggunakan aplikasi yang berkaitan dengan e-court, SIPP (sistem informasi penelusuran perkara). E-court menggunakan web yang general dan terpusat di Mahkamah Agung, sementara SIPP dikelola oleh PA Soreang. Stand by di meja e-court. Meja e-court itu salah satu loket yang ada di pelayanan terpadu satu pintu Pengadilan Agama Soreang dan di setiap pengadilan saat ini sudah diwajibkan untuk menyediakan meja e-court untuk membantu para dvokat atau para pihak dalam berperkara. Tugasnya menganalisis pendaftaran setiap perkara yang masuk, petugas harus memastikan kelengkapan berkas-berkasnya, data advokat, surat kuasa, surat gugatan, pembayaran panjar, dll. Setelah semuanya lengkap, petugas baru akan melakukan registrasi untuk mendapatkan nomor perkara.
	Bagaimana prosedur pendaftaran melalui e-court	Kalau pengacara tinggal masuk ke akun e-courtnya, kemudian tinggal tambah perkara. Tapi dengan catatan harus sudah menyiapkan surat

		kuasa, surat gugatan, dan bukti awal. Sedangkan kalau manual, pihak yang ingin berperkara harus datang ke Pengadilan. Nomor registrasi bisa keluar dalam 15-20 menit setelah pihak mendaftarkan perkaranya melalui e-court, dengan catatan mendaftarnya sebelum jam 3 sore, jika sudah melebihi jam 3 sore maka registrasi akan dilakukan keesokan harinya.
	Kelebihan dan keuntungan berperkara melalui e-court	
	Bagaimana minat masyarakat dalam mendaftarkan perkaranya melalui e-court	Minat masyarakat masih perlu disadarkan karena mereka belum sepenuhnya paham dengan e-court, sehingga petugas e-court harus lebih aktif untuk mengedukasi masyarakat menggunakan e-court.
	Kendala dan evaluasi penerapan e-court di Pengadilan Agama Soreang	Server e-court punya mahkamah agung sehingga maintenancenya langsung dari pusat, seringkali terjadi pemeliharaan sistem yang menyebabkan terkendala pendaftaran perkara secara e-court. Pemanggilan dlm e-court melalui pos, jika Alamat yang dituju tidak ada orang maka pemanggilan langsung dinyatakan tidak patut Legal culture – masyarakat awam yang ada di kabupaten bandung masih agak susah untuk diajak ke digital.
	Bagaimana sarana dan pra sarana e-court di PA Soreang	Sarana pra sarana sudah memadai kalo untuk komputer

		masih layak dengan spesifikasi untuk e-court.
	Bagaimana cara Pengadilan Agama Soreang mendapatkan 10 besar pemanfaatan e-court terbanyak	Petugas e-court mengedukasi dan membantu masyarakat dalam mendaftarkan perkaranya melalui e-court. Petugas membantu membuat akun, menginput data-data, meregistrasi, sehingga masyarakat tinggal membayar biaya panjar dan menunggu panggilan sidang. Banyak masyarakat yang menggunakan jasa advokat sehingga otomatis perkaranya didaftarkan secara e-court, harga untuk advokat juga masih ramah di kantong, pengacara di kabupaten bandung juga banyak. Keaktifan petugas e-court juga sangat berpengaruh dalam pemanfaatan e-court di PA Soreang. Sosialisasi dilakukan secara insidentil dengan mekanisme setiap masyarakat yang hendak berperkara di PA Soreang, ditawarkan melalui e-court terlebih dahulu, baru ketika mereka tidak bisa dipaksakan menggunakan e-court diharuskan mengisi formulir keberatan untuk beracara secara e-court.
	Bagaimana harapan dan saran terkait penerapan e-court di PA Soreang?	Harapannya aplikasi ini bisa lebih dikenal oleh masyarakat, sehingga perlu sosialisasi yang lebih gencar. Aplikasi ini sebisa mungkin minim eror supaya pelayanan dapat lebih cepat.

		Aplikasi ini membawa dampak yang baik
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Nama Informan		Syaraswati Nur Awalia, S.Sy.
Jabatan		Hakim
Hari/Tanggal		Selasa, 11 Februari 2025
Waktu		09.00 – 09.30
No.	Pertanyaan	Jawaban
1.	Sejarah penerapan e-court dan persiapan PA Soreang	E-court mulai ada sejak terbitnya Perma No. 1 Tahun 2019, No. 7 tahun 2022. Perlu diingat bahwa E-court itu hanyalah cara, sehingga tidak boleh mengabaikan hukum formil dalam bersidang. Perkembangan teknologi yang ada mengharuskan tata cara bersidang yang berkembang menjadi online.
2.	Bagaimana mekanisme persidangan online (e-litigasi) melalui e-court?	Sebetulnya tidak jauh berbeda. E-Court sudah dimulai sejak mendaftar, para pihak akan mendaftarkan perkaranya melalui web e-court dan bisa dipandu oleh petugas. Sidang pertama kedua belah pihak tetap hadir untuk upaya mediasi. Persidangan secara elektronik akan dilakukan setelah mediasi, berarti ketika proses jawab-jawab. Selanjutnya para pihak akan kembali bertatap muka dalam agenda sidang pembuktian. Berita acara dalam e-court juga tetap ada persidangan dibuka, para pihak

		mengunduh jawaban, dibaca, diverifikasi, sidang ditunda, dll. Para pihak yang berperkara melalui e-court wajib menyerahkan persyaratan-persyaratan yang asli ke pengadilan pada saat sidang pertama. e-court memungkinkan persidangan dilakukan secara hybrid, yaitu ketika tergugat tidak mampu mengakses internet maka tergugat tetap mengikuti alur persidangan secara luring dengan mekanisme datang ke Pengadilan untuk mengambil berkas-berkas seperti gugatan dan replik, serta menyerahkan jawaban dan duplik ke pengadilan.
	Apa kelebihan berperkara melalui e-court?	Memangkas jarak, waktu, dan biaya karena e-court memudahkan pihak yang ingin berperkara untuk mendaftarkan perkaranya di mana saja dan kapan saja, serta dengan biaya yang relative lebih murah. E-court juga mewujudkan efesiensi waktu seperti jawab-jinawab, para pihak tidak perlu datang ke Pengadilan, cukup mengupload berkas jawab-jinawabnya melalui e-court. Menurut saya, e-court sudah mewujudkan efesiensi dan efektivitas dalam bersidang. Efisien berkaitan dengan

		waktu, efektivitas berkaitan dengan tujuan. Manfaat dari e-court memang paling bisa dirasakan oleh masyarakat pencari keadilan, terkhusus bagi mereka yang sibuk.
	Apa kekurangan atau evaluasi dari penerapan e-court?	Banyak orang tua yang mungkin masih gaptek sehingga belum mampu untuk mengakses e-court. Tempat yang terpencil seperti pedesaan, pegunungan, dll kerap kali masih kesusahan sinyal atau jaringan
	Kendala apa yang sering dirasakan dalam menangani perkara yang menggunakan e-court	Dalam beracara secara manual, agenda persidangan ketika jawab-jinawab akan lebih mudah dikonfirmasi kepada para pihak. Sementara dalam persidangan elektronik, tidak ada kesempatan untuk mengonfirmasi kepada para pihak dalam jawab-jinawab.
	Cara PA Soreang mendapatkan penghargaan 10 besar pemanfaatan e-court terbanyak	Perkara di PA Soreang tergolong banyak, per tahun sekitar 8000-an, sehingga presentase e-court juga pasti banyak. Adanya target dari badilag serta arahan agar semua masyarakat diupayakan menggunakan e-court. PA Soreang menyediakan pojok e-court dan petugas e-court untuk secara khusus menjelaskan tata cara berperkara melalui e-court. Peran petugas e-court dalam mengedukasi masyarakat pengguna lain

	Bagaimana harapan dan saran terkait penerapan e-court?	Kami berharap Mahkamah Agung memperhatikan keamanan data para pihak yang berperkara melalui e-court. Meskipun sampai saat ini masih tergolong aman dan belum ada berita buruk terkait keamanan data, tapi alangkah baiknya dipersiapkan. Inovasi juga harus diiringi dengan SDM jadi barangkali diperlukan pelatihan-pelatihan terkait e-court. Adanya sistem harus tetap memperhatikan hukum acara. Hukum acara tidak boleh ditafsirkan jadi harus bersifat pasti.
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Appendix IV. Interview Documentation



Interview with Mrs. Wenny Indriasari, S.H. (Judicial Case Analyst)



Interview with Mrs. Ida Fadilah Fajariah, S.T., S.H. (the Deputy Registrar of Law)



Interview with Syaraswati Nur Awalia, S.Sy. (Judge)



Interview with Dwi Atmadji Budijanto, S.H. (Advocate)

CURRICULUM VITAE

Personal Information

Full Name : Muhammad Yazid Asshidqi
Place, Date of Birth : Tegal, October 14, 2002
Gender : Male
Religion : Islam
Nationality : Indonesia
Address : Jl. Kol. Sugiono No. 13 Rt. 03/05 Tegal Barat, Kota Tegal.
Phone Number : +62 895 0854 6341
Email : asshidqiyazid@gmail.com

Educational Background

- SD IT Usamah Tegal (2009 – 2015)
- MTsN 2 Brebes (2015 – 2018)
- MAN 1 Yogyakarta, Religious Program (2018 – 2021)

Organizational Experience

- Research Staff at MARCOMM FIAI (2022 – 2023)
- Chairman of the Hygiene Division at Organisasi Santri Pondok Pesantren UII (2022 – 2023)
- Direct Promotion and Research Staff at MARCOMM FIAI (2023 – 2024)
- Arabic Language Coordinator at Rumah Bahasa Darussalam (2024 – Now)